Housing Associations Act 1985

1985 CHAPTER 69

An Act to consolidate certain provisions of the Housing Acts relating to housing associations, with amendments to give effect to recommendations of the Law Commission and of the Scottish Law Commission. [30th October 1985]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

C1 A Table showing the derivations of the provisions of this consolidation Act will be found at the end of the Act. The Table has no official status.

C2 Act: certain functions transferred to the National Assembly for Wales (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

C3 Act restricted (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), **s. 22(4)**
Act amended (E.W.) (24.9.1996) by 1996 c. 52, **ss. 221(1)(b)**, 232(2)

Commencement Information

I1 Act wholly in force at 1.4.1986 see s. 107(2)

PART I

REGULATION OF HOUSING ASSOCIATIONS

Introductory

1 Meaning of "housing association" and related expressions.

(1) In this Act "housing association" means a society, body of trustees or company—

(a) which is established for the purpose of, or amongst whose objects or powers are included those of, providing, constructing, improving or managing, or

facilitating or encouraging the construction or improvement of, housing accommodation, and

(b) which does not trade for profit or whose constitution or rules prohibit the issue of capital with interest or dividend exceeding such rate as may be prescribed by the Treasury, whether with or without differentiation as between share and loan capital **[**[F1]**;]**

[[F2]**[**[F3]but does not include Scottish Homes.**]]**

(2) In this Act "fully mutual", in relation to a housing association, means that the rules of the association—

(a) restrict membership to persons who are tenants or prospective tenants of the association, and

(b) preclude the granting or assignment of tenancies to persons other than members;

and "co-operative housing association" means a fully mutual housing association which is a society registered under the [M1]Industrial and Provident Societies Act 1965 **[**[F4](in this part referred to as "the 1965 Act")**]** .

(3) In this Act "self-build society" means a housing association whose object is to provide, for sale to, or occupation by, its members, dwellings built or improved principally with the use of its members' own labour.

Textual Amendments

F1 Words added by Housing (Scotland) Act 1988 (c. 43, SIF 61), ss. 1, 3(3), **Sch. 2 para. 6**

F2 Words in s. 1(1) repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(2)**; S.S.I. 2001/336, **art. 2(3)** (with transitional provisions and savings in art. 3)

F3 Words added by Housing (Scotland) Act 1988 (c. 43, SIF 61), ss. 1, 3(3), **Sch. 2 para. 6**

F4 Words in s. 1(2) repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))

Marginal Citations

M1 1965 c. 12.

2 Meaning of "housing trust".

In this Act "housing trust" means a corporation or body of persons which—

(a) is required by the terms of its constituent instrument to use the whole of its funds, including any surplus which may arise from its operations, for the purpose of providing housing accommodation, or

(b) is required by the terms of its constituent instrument to devote the whole, or substantially the whole, of its funds to charitable purposes and in fact uses the whole, or substantially the whole, of its funds for the purpose of providing housing accommodation.

[F5]2A . . . . . .

Textual Amendments

F5 S. 2A repealed (1.10.1996) by S.I. 1996/2325, art. 4(1), Sch. 1 Pts. I, **II** (with art. 4(2)(3))

[F6 2B Meaning of "registered housing association", "registered social landlord" etc.

In this Act, unless the context otherwise requires—

"registered housing association" means a housing association registered in the register [F7 of social landlords maintained under [F8 section 20(1) of the Housing (Scotland) Act 2010 (asp 17)]],

[F9 "registered social landlord" has the same meaning as in Part I of the Housing Act 1996, and]

[F10 "unregistered", in relation to a housing association, means [F11 not] registered in the register of social landlords maintained under [F12 section 20(1) of the Housing (Scotland) Act 2010 (asp 17)].]

[F10 "unregistered", in relation to a housing association, means—

(a) not registered as a provider of social housing under Part 2 of the Housing and Regeneration Act 2008,

(b) not registered as a social landlord under Part 1 of the Housing Act 1996, and

(c) not registered as a social landlord under [F13 Part 2 of the Housing (Scotland) Act 2010 (asp 17)].]]

Textual Amendments

F6 S. 2B inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(2)**

F7 Words in s. 2B substituted (S.) (1.11.2001) by 2001 asp. 10, s. 112, Sch. 10 para. 11(3)(c), S.I. 2001/336, art. 2(2), **Sch. Pt. II** Table (with transitional provisions and savings in art. 3)

F8 Words in s. 2B substituted (S.) (1.4.2012) by The Housing (Scotland) Act 2010 (Consequential Modifications) Order 2012 (S.S.I. 2012/38), art. 1, **Sch. para. 1(a)**

F9 Words in s. 2B repealed (S.) (1.11.2001) by 2001 asp. 10, s. 112, Sch. 10 para. 11(3)(b), S.I. 2001/336, art. 2(2), **Sch. Pt. II** Table (with transitional provisions and savings in art. 3)

F10 Words in s. 2B substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 40** (with art. 6, Sch. 3)

F11 Word in s. 2B substituted (S.) (1.4.2012) by The Housing (Scotland) Act 2010 (Consequential Modifications) Order 2012 (S.S.I. 2012/38), art. 1, **Sch. para. 1(b)(i)**

F12 Words in s. 2B substituted (S.) (1.4.2012) by The Housing (Scotland) Act 2010 (Consequential Modifications) Order 2012 (S.S.I. 2012/38), art. 1, **Sch. para. 1(b)(ii)**

F13 Words in s. 2B substituted (E.W.) (1.4.2012) by The Housing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2012 (S.I. 2012/700), art. 1(3), **Sch. para. 2**

Registration

F14 3 . . . . . .

Textual Amendments

F14 S. 3 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F15 4 . . . . . .

Textual Amendments

F15 S. 4 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F16 5 . . . . . .

Textual Amendments

F16 S. 5 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F17 6 . . . . . .

Textual Amendments

F17 S. 6 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F18 7 . . . . . .

Textual Amendments

F18 S. 7 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

Disposal of land

[F19 8 . . . . . .

Textual Amendments

F19 S. 8 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[[F21 9 [[F20 Control of disposals by unregistered housing associations]

[F22(1) . . . . . .

[F23(1A) [Subject to section 10, the consent of [[F24 the relevant regulator] is required for any disposition of grant-aided land (as defined in Schedule 1) by an unregistered housing association; and for this purpose "[[F24 the relevant regulator]" means,—

[[F25(a) if the land is in England, the Regulator of Social Housing, and

(b) if the land is in Wales, the Welsh Ministers.]]

(2) [[F26 Consent under this section] may be so given—

(a) generally to all housing associations or to a particular housing association or description of association;

(b) in relation to particular land or in relation to a particular description of land;

and may be given subject to conditions.

(3) A disposition by a housing association which requires [[F27 consent] under this section is valid in favour of a person claiming under the association notwithstanding that [[F27 that consent] has not been given; and a person dealing with the association, or with a person claiming under the association, shall not be concerned to see or inquire whether any such consent has been given.

This subsection has effect subject to section 12 (avoidance of certain dispositions of houses without consent).

[F28(4) . . . . . .

(5) For the purposes of this section "disposition" means sale, lease, mortgage, charge or any other disposal.

[[F29(6) Consent under this section must be in writing.]]

Textual Amendments

F20 S. 9 heading substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 9 para. 9(4)**; S.I. 2010/862, art. 2 (with Sch.)

F21 S. 9 repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**, S.S.I. 2001/336, art. 2, **Sch. Pt. II** (subject to transitional provisions and savings in art. 3)

F22 S. 9(1) repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (with transitional provisions and savings in Sch.)

F23 S. 9(1A) substituted for s. 9(1) by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 7(1)**

F24 Words in s. 9(1A) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 9 para. 9(2)(a)**; S.I. 2010/862, art. 2 (with Sch.)

F25 S. 9(1A)(a)(b) substituted for s. 9(1A)(a)-(c) (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 9 para. 9(2)(b)**; S.I. 2010/862, art. 2 (with Sch.)

F26 Words in s. 9(2) substituted (1.10.1996) by S.I. 1996/2325, art. 15(1), **Sch. 2 para. 15(10)**

F27 Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 7(2)(a)(b)**

F28 S. 9(4) repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (with transitional provisions and savings in Sch.)

F29 S. 9(6) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 9 para. 9(3)**; S.I. 2010/862, art. 2 (with Sch.)

Modifications etc. (not altering text)

C4 S. 9: transfer of functions (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2** (see S.I. 2008/3068, art. 2(1)(b))

C5 S. 9 amended by (E.W.) Local Government and Housing Act 1989 (c. 42, SIF 61), **s. 173(6)(7)**; Housing Act 1988 (c. 50, SIF 61), **s.81(7)**; modified by Housing Act 1988 (c. 50, SIF 61), **s. 58(3)(4)**; excluded by (E.W.) Housing Act 1988 (c. 50, SIF 61) s. 105(6), s 133(6)(7); (Scotland) Housing (Scotland) Act 1988 (c. 43, SIF 61), **s. 63(3)**

C6 S. 9(1)(1A) excluded (E.W.) (1.11.1993) by 1993 c. 28, s. 37, **Sch. 10 para. 1(2)(b)** (with ss. 56(6), 94(2), 95); S.I. 1993/2134, **art. 5**.

C7 S. 9(1A)(a) modified (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

[F30 10 Dispositions excepted from s. 9.

(1) A disposition by an unregistered housing association which is a charity is not within section 9 if by virtue of [F31 sections 117 to 121 and 124 of the Charities Act 2011] it cannot be made without an order of the court or the [F32 Charity Commission]; but [F33 before making an order in such a case the [F32 Charity Commission] shall consult,—

[F34 (a) in the case of dispositions of land in England, the Regulator of Social Housing, and

(b) in the case of dispositions of land in Wales, the Welsh Ministers.]]

(2) A letting F35... by an unregistered housing association which is a housing trust, is not within section 9 if it is—

(a) a letting of land under a secure tenancy, or

(b) a letting of land under what would be a secure tenancy but for any of paragraphs 2 to 12 of [F36 Schedule 1 to the Housing Act 1985] or [F37 paragraphs 1 to 8 of Schedule 2 to the Housing (Scotland) Act 1987] (tenancies excepted from being secure tenancies for reasons other than that they are long leases) [F38 or

(c) a letting of land under an assured tenancy or an assured agricultural occupancy, or

(d) a letting of land in England or Wales under what would be an assured tenancy or an assured agricultural occupancy but for any of paragraphs 4 to 8 of Schedule 1 to the Housing Act 1988, F39...

F39 (e) . . . . .]

(3) The grant by an unregistered housing association which does not satisfy the landlord condition in section 80 of the Housing Act 1985 (bodies which are capable of granting secure tenancies) of a lease for a term ending within the period of seven years and three months beginning on the date of the grant is not within section 9 unless—

(a) there is conferred on the lessee (by the lease or otherwise) an option for renewal for a term which, together with the original term, would expire outside that period, or

(b) the lease is granted wholly or partly in consideration of a fine.

(4) In subsection (3) the expression "lease" includes an agreement for a lease and a licence to occupy, and the expressions "grant" and "term" shall be construed accordingly.**]**

Textual Amendments

F30 S. 10 repealed (S.) (1.11.2001) by 2001 asp 10, ss. 112, 113, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F31 Words in s. 10(1) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 45** (with s. 20(2), Sch. 8)

F32 Words in s. 10(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 78**; S.I. 2007/309, art. 2, Sch.

F33 Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 8(1)**

F34 S. 10(1)(a)(b) substituted for s. 10(1)(a)-(c) (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 9 para. 10(2)**; S.I. 2010/862, art. 2 (with Sch.)

F35 Words in s. 10(2) repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))

F36 Words beginning "Schedule 1" substituted (E.W.) (*retrospectively*1.4.1986) by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(1), **Sch. 5 Pt. I para. 10(6)(9)**

F37 Words "1 to 8 of Schedule 2 to the Housing (Scotland) Act 1987" substituted by Housing (Scotland) Act 1988 (c. 43, SIF 61), s. 72, **Sch. 9 para. 6(a)** and "paragraphs 1 to 8 of Schedule 2 to the Housing (Scotland) Act 1987"substituted (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 31(2)**

F38 Words in s. 10(2) inserted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 8(2)**

F39 S. 10(2)(e) and preceding word repealed (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), Sch. 9 para. 10(3), **Sch. 16**; S.I. 2010/862, arts. 2, 3 (with Sch.)

Modifications etc. (not altering text)

C8 S. 10: transfer of functions (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2** (see S.I. 2008/3068, art. 2(1)(b))

C9 S. 10(1)(a) modified (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

[F40]11 . . . . . .

Textual Amendments

F40 S. 11 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10**

para. 11(4); S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F41 12 Avoidance of certain disposals of houses without consent.

A disposal of a house by a housing association made without the consent required by section 9 is void unless—

(a) the disposal is to an individual (or to two or more individuals), and

(b) the disposal does not extend to any other house.]

Textual Amendments

F41 S. 12 repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

Control of payments to members, etc.

F42 13 . . . . . .

Textual Amendments

F42 S. 13 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F43 14 . . . . . .

Textual Amendments

F43 S. 14 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F44 15 . . . . . .

Textual Amendments

F44 S. 15 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F45]15A . . . . . .

Textual Amendments

F45 S. 15A repealed (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

Constitution, change of rules, amalgamation and dissolution

[F46]16 . . . . . .

Textual Amendments

F46 S. 16 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F47]17 . . . . . .

Textual Amendments

F47 S. 17 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F48]18 . . . . . .

Textual Amendments

F48 S. 18 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F49]19 . . . . . .

Textual Amendments

F49 S. 19 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10**

para. 11(4); S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F50]20 . . . . . .

Textual Amendments

F50 S. 20 repealed (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3).

[F51]21 . . . . . .

Textual Amendments

F51 S. 21 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F52]22 . . . . . .

Textual Amendments

F52 S. 22 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F53]23 . . . . . .

Textual Amendments

F53 S. 23 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

Accounts and audit

[F54]24 . . . . . .

Textual Amendments

F54 S. 24 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F55]25 . . . . . .

Textual Amendments

F55 S. 25 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F56]26 . . . . . .

Textual Amendments

F56 S. 26 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**, S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F57]27 . . . . . .

Textual Amendments

F57 S. 27 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F58]27A . . . . . .

Textual Amendments

F58 S. 27A repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

Inquiries into affairs of housing associations

[F59]28 . . . . . .

Textual Amendments

F59 S. 28 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F60]29 . . . . . .

Textual Amendments

F60 S. 29 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F61]30 . . . . . .

Textual Amendments

F61 S. 30 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F62]31 . . . . . .

Textual Amendments

F62 S. 31 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)S

[F63]32 . . . . . .

Textual Amendments

F63 S. 32 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

Miscellaneous

[F64]33 . . . . . .

Textual Amendments

F64 S. 33 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F65]33A Provision of services between the Corporations.

. . . . . .

Textual Amendments

F65 S. 33A repealed (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), ss. 64(3), 325(1), **Sch. 16**; S.I. 2010/862, arts. 2, 3 (with Sch.)

34 Provision of land by county councils.

(1) Where a housing association wishes to erect houses **[**[F66]in England**]**which in the opinion of the Secretary of State are required and the local housing authority in whose district the houses are proposed to be built are unwilling to acquire land with a view to selling or leasing it to the association, the county council, on the application of the association, may acquire land for that purpose.

(2) For that purpose the county council may exercise all the powers of a local housing authority under Part II of the [M2]Housing Act 1985 (provision of housing) in regard to the acquisition and disposal of land; and the provisions of that Act as to the acquisition of land by local housing authorities for the purposes of that Part apply accordingly.

Textual Amendments

F66 Words in s. 34(1) inserted (1.4.1996) by 1994 c. 19, s. 22(2), **Sch. 8 para. 6(1)** (with ss. 54(4)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

Marginal Citations

M2 1985 c. 68.

35 Housing trusts: power to transfer housing to local housing authority.

(1) A housing trust may—

(a) sell or lease to the local housing authority the houses provided by the trust, or

(b) make over to the authority the management of the houses.

(2) So far as subsection (1) confers power to dispose of land—

[[F67](za) it does not apply to private registered providers of social housing (on whom power to dispose of land is conferred by section 171 of the Housing and Regeneration Act 2008);**]**

[[F68](a) it does not apply to registered social landlords (on whom power to dispose of land is conferred by section 8 of the Housing Act 1996);.**]**

(b) it has effect subject to section 9 (dispositions requiring consent of **[**[F69]Corporation**]**) where the housing trust is an unregistered housing association and the land is grant-aided land (as defined in Schedule 1); and

(c) it has effect subject to **[**[F70]sections 117 to 121 of the Charities Act 2011 (restrictions on dispositions of charity land)**]** where the housing trust is a charity.

Textual Amendments

F67 S. 35(2)(za) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 41** (with art. 6, Sch. 3)

F68 S. 35(2)(a) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(20)**

F69 Word substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 2**

F70 Words in s. 35(2)(c) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 46** (with s. 20(2), Sch. 8)

36 Housing trusts: functions of Secretary of State with respect to legal proceedings.

(1) If it appears to the Secretary of State—

(a) that the institution of legal proceedings is requisite or desirable with respect to any property belonging to a housing trust, or

(b) that the expediting of any such legal proceedings is requisite or desirable,

he may certify the case to the Attorney-General who may institute legal proceedings or intervene in legal proceedings already instituted in such manner as he thinks proper in the circumstances.

(2) Before preparing a scheme with reference to property belonging to a housing trust, the court or body which is responsible for making the scheme shall communicate with the Secretary of State and consider any recommendations made by him with reference to the proposed scheme.

[F71]36A . . . . . .

Textual Amendments

F71 S. 36A repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and repealed (S.) by 2001 asp 10, s. 112, **Sch. 10 para.**

11(4); S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

Supplementary

[F72]37 . . . . . .

Textual Amendments

F72 S. 37 repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3)) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F73]38 Definitions relating to charities.

. . . . . .

Textual Amendments

F73 S. 38 omitted (14.3.2012 immediately before the Charities Act 2011 (c. 25) comes into force) by virtue of The Charities (Pre-consolidation Amendments) Order 2011 (S.I. 2011/1396), art. 1, **Sch. para. 41**

[[F74]39 Minor definitions.

In this Part—

[[F75]"assured tenancy" has, in England and Wales, the same meaning as in Part I of the Housing Act 1988 and, in Scotland, the same meaning as in Part II of the Housing (Scotland) Act 1988;

"assured agricultural occupancy" has the same meaning as in Part I of the Housing Act 1988.**]**

[[F76]"mental disorder" has the same meaning as in **[**[F77]the [M3]Mental Health Act 1983 or**]** the [M4]Mental Health (Scotland) Act 1984;**]**

"secure tenancy" has the same meaning as in section 79 of the [M5]Housing Act 1985 or **[**[F78]44 of the Housing (Scotland) Act 1987**]**;**]**

[F79] . . .

Textual Amendments

F74 S. 39 repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F75 Definitions inserted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 25**

F76 S. 39: definition of "mental disorder"repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))

F77 S. 39: words in definition of "mental disorder"repealed (S.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. II** (with art. 4(2)(3))

F78 S. 39: by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 31(3)** it is provided that in the definition of "secure tenancy" for the words "10 of the Tenants'; Rights,

Etc. (Scotland) Act 1980" there shall be substituted (S.) the words "44 of the Housing (Scotland) Act 1987" and by Housing (Scotland) Act 1988 (c. 43, SIF 61), s. 72, **Sch. 9 para. 8** it is provided that in s. 39, in the definition of "secure tenancy" for the words "section 10 of the Tenants'; Rights Etc. (Scotland) Act 1980" there shall be substituted the words "44 of the Housing (Scotland) Act 1987"

F79 S. 39: definition repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Gp. 2.

Marginal Citations

M3 1983 c. 20.

M4 1984 c. 36.

M5 1985 c. 68.

[[F80]40 Index of defined expressions: Part I.

The following Table shows provisions defining or explaining expressions used in this Part (other than provisions defining or explaining an expression used only in the same section or paragraph):—

[[F81]appropriate registrar (in relation to a society registered under the 1965 Act).	section 37**]**
[[F82]assured agricultural occupancy**]**	**[**[F82]section 39**]**
[[F82]assured tenancy**]**	**[**[F82]section 39**]**
[[F81]bank	section 106**]**
charge (in relation to Scotland)	section 106
charity	section 38(a)
[[F81]committee (in relation to a society registered under the 1965 Act)	section 37**]**
[[F81]compulsory disposal (in Schedule 2)	paragraph 6 of that Schedule**]**
co-operative housing association	section 1(2)
[[F81]co-opted member (in relation to the committee of a society registered under the 1965 Act)	section 37**]**
[[F81]the Companies Act	section 106**]**
[F83] . . .	[F83] . . .
[[F81]dissolved under the 1965 Act (in relation to a society registered under that Act)	section 37**]**
district (of a local housing authority)	section 104(2)
[[F81]dwelling	section 106**]**
[[F81]eligible for registration (in relation to a housing association)	section 4**]**
[[F81]exempted disposal (in Schedule 2)	paragraph 5 of that Schedule**]**
[[F81]friendly society	section 106**]**

fully mutual (in relation to a housing association)	section 1(2)
[F81hostel	section 106]
house	section 106
[F81housing activities	section 106]
housing association	section 1(1)
. . . F84	. . . F84
housing trust	section 2
[F81insurance company	section 106]
local housing authority	section 104
[F81member of family	section 105]
[F81mental disorder	section 39]
mortgage (in relation to Scotland)	section 106
[F81the 1965 Act	section 37]
[F81register, registered, registration and unregistered (in relation to a housing association)	section [F85 3]]
[F81registered charity	section 38(b)]
[F86registered social landlord	section 2B]
[F81relevant disposal (in Schedule 2)	paragraph 4 of that Schedule]
. . . F84	. . . F84
secure tenancy	section 39
[F81shared ownership lease	section 106]
[F87shared ownership agreement (in relation to Scotland)]	[F87section 106]
[F81standard scale	section 39]
[F81trustee savings bank	section 106]
[F88unregistered (in relation to a housing association)	section 2B]]

Textual Amendments

F80 S. 40 repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F81 S. 40: entries repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))

F82 Entries inserted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 26(a)**

F83 S. 40: definition of "the Corporation"repealed (1.10.1996) by S.I. 1996/2325, art. 4(1), Sch. 1 Pts. I, **II** (with art. 4(2)(3))

F84 Entry repealed by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**

F85 Figure substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 26(c)**

F86 S. 40: entry inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 21(a)**

F87 Entry inserted (S.) by Housing (Scotland) Act 1986 (c. 65, SIF 61), s. 25(1), **Sch. 2 para. 4(4)**
F88 S. 40: entry inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 21(b)**

PART II

HOUSING ASSOCIATION FINANCE

Modifications etc. (not altering text)
C10 Pt. II (ss. 41–73) excluded (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 199, 335, **Sch. 12 para. 1(7)**
C11 Pt. II (ss. 41–73): power to apply certain functions conferred (E.W.) by Housing Act 1988 (c. 50, SIF 61), **s. 65(2)(b)(4)**

41—51. . . . . . F89

Textual Amendments
F89 Ss. 41–51, 75(1)(*d*) repealed by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**

52 . . . . . F90

Textual Amendments
F90 S. 52 repealed (with a saving in S.I. 1989/404, **art. 3(a)**) by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**, and as to s. 52(3) repealed (S.) by Housing (Scotland) Act 1986 (c. 65, SIF 61), s. 25(2), **Sch. 3**, and s. 52(4) repealed by Land Registration Act 1988 (c. 3, SIF 98:2), ss. 1(e), 2, **Sch.**

53 . . . . . F91

Textual Amendments
F91 S. 53 repealed (with a saving in S.I. 1989/404, **art. 3(b)**) by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**

Deficit grants

54 . . . . . F92

Textual Amendments

F92 S. 54 repealed (with a saving in S.I. 1989/404, **art. 3(c)**) by Housing Act 1988 (c.50, SIF 61), s. 140(2), **Sch. 18**

[F93]55 . . . . . .

Textual Amendments

F93 Ss. 55-57 repealed (1.4.1991) by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**; S.I. 1989/404, **art. 2** and S.I. 1991/954, arts,2, 3 (by art. 3 it is provided that the repeal shall not apply in relation to hostel deficit grants payable to an association for a period which expires before 1.4.1991)

56 [F94] . . . . . .

Textual Amendments

F94 Ss. 55-57 repealed (1.4.1991) by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**; S.I. 1989/404, **art. 2** and S.I. 1991/954, **arts.2**, 3 (by art. 3 it is provided that the repeal shall not apply in relation to hostel deficit grants payable to an association for a period which expires before 1.4.1991)

57 [F95] . . . . . .

Textual Amendments

F95 Ss. 55-57 repealed (1.4.1991) by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**; S.I. 1989/404, **art. 2** and S.I. 1991/954, **arts.2**, 3 (by art. 3 it is provided that the repeal shall not apply in relation to hostel deficit grants payable to an association for a period which expires before 1.4.1991)

Arrangements with local authorities

[[F96]58 Powers of local authorities to promote and assist housing associations: England and Wales.

(1) A local authority may promote the formation or extension of a housing association.

(2) A local authority may for the assistance of a housing association subscribe for share or loan capital of the association.

(3) A local authority may make a loan to an unregistered self-build society for the purpose of enabling it to meet the whole or part of the expenditure incurred, or to be incurred by it, in carrying out its objects.

(4) This section does not apply where the housing association is[[F97]—

(a) a private registered provider of social housing, or

(b)**]** a registered social landlord (for which corresponding provision is made by section 22 of the Housing Act 1996).**]**

Textual Amendments

F96 S. 58 substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(22)**

F97 Words in s. 58(4) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 42** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C12 S. 58 excluded (1.10.1996) by 1985 c. 69, **s. 58(4)** (as substituted by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(22)**)

[F98 59 Powers of local authorities to promote and assist housing associations: Scotland.

(1) A local authority F99. . . may promote the formation or extension of or, subject to section 60 (assistance restricted to registered housing associations), assist a housing association whose objects include the erection, improvement or management of housing accommodation.

(2) A local authority F99. . . may, with the consent of and subject to any regulations or conditions made or imposed by the Secretary of State, for the assistance of such an association—

(a) make grants or loans to the association,

(b) subscribe for share or loan capital of the association, or

(c) guarantee or join in guaranteeing the payment of the principal of, and interest on, money borrowed by the association (including money borrowed by the issue of loan capital) or of interest on share capital issued by the association,

on such terms and conditions as to rate of interest and repayment or otherwise and on such security as the local authority F99. . . think fit.

(3) A term of an agreement for such a grant or loan is void if it purports to relate to the rent payable in respect of a house to which the agreement relates or the contributions payable towards the cost of maintaining such a house.

(4) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

F100 **[** (5) Sections 6, 15, 320 and 329 of the Housing (Scotland) Act 1987 (general provisions with respect to housing functions of local authorities etc.) apply in relation to this section and section 61, as they apply in relation to the provisions of that Act.**]]**

Textual Amendments

F98 S. 59 repealed (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**, S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F99 Words in s. 59(1)(2) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 143(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

F100 S. 59(5) added by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 31(7)**

[F101 60 . . . . . .

Textual Amendments

F101 S. 60 repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3)) and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F102 61 Power of local housing authority to supply furniture to housing association tenants.

(1) A local housing authority may sell, or supply under a hire-purchase agreement, furniture to the occupants of houses provided by a housing association under arrangements made with the authority, and may buy furniture for this purpose.

(2) In this section "hire-purchase agreement" means a hire-purchase agreement or conditional sale agreement within the meaning of the [M6]Consumer Credit Act 1974.

[This section does not apply where the housing association is **[F104**—

F103(3) (a) a private registered provider of social housing, or

(b)**]** a registered social landlord (for which corresponding provision is made by section 22 of the Housing Act 1996).**]]**

Textual Amendments

F102 S. 61 repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F103 S. 61(3) inserted (E.W.) (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(23)**

F104 Words in s. 61(3) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 43** (with art. 6, Sch. 3)

Marginal Citations

M6 1974 c. 39.

62 . . . . . **F105**

Textual Amendments

F105 S. 62 repealed (with saving) by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**: S.I. 1989/404, **art. 3(d)**)

63—66. . . . . . **F106**

Textual Amendments

F106 Ss. 63–66 repealed by Building Societies Act 1986 (c. 53, SIF 16), ss. 54(3)(a)(5), 119(5), 120(1)(2), Sch. 18 Pt. I para. 19(2), **Sch. 19 Pt. I** (and s. 64(4) is also expressed to be repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XIV** Gp. 2).

Loans by Public Works Loan Commissioners

[F107]67 . . . . . .

Textual Amendments

F107 S. 67 repealed (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.)

68 Loans by Public Works Loan Commissioners: Scotland.

(1) The Public Works Loan Commissioners may lend money to a **[**[F108]registered housing association**]**—

(a) for the purpose of constructing or improving, or facilitating or encouraging the construction or improvement of, houses,

(b) for the purchase of houses, and

(c) for the purchase and development of land.

(2) A loan for any of those purposes shall be secured with interest by a heritable security over—

(a) the land in respect of which that purpose is to be carried out, and

(b) such other land, if any, as may be offered as security for the loan;

and the money lent shall not exceed three-quarters (or, if the payment of the principal of and interest on the loan is guaranteed by a local authority, nine-tenths) of the value, to be ascertained to the satisfaction of the Public Works Loan Commissioners, of the estate or interest in the land proposed to be burdened.

(3) Loans may be made by instalments as the building of houses or other work on the land burdened under subsection (2) progresses (so, however, that the total loans do not at any time exceed the amount specified in that subsection); and the heritable security may be granted accordingly to secure such loans so to be made.

(4) If the loan exceeds two-thirds of the value referred to in subsection (2), and is not guaranteed as to principal and interest by a local authority, the Public Works Loan Commissioners shall require, in addition to such a heritable security as is mentioned in that subsection, such further security as they may think fit.

(5) Subject to subsection (6), the period for repayment of a loan under this section shall not exceed 40 years, and no money shall be lent on the security of any land unless the estate or interest proposed to be burdened is either ownership or a lease of which a period of not less than 50 years remains unexpired at the date of the loan.

(6) Where a loan under this section is made for the purposes of carrying out a scheme for the provision of houses approved by the Secretary of State, the maximum period

for the repayment of the loan is 50 instead of 40 years, and money may be lent on heritable security over a lease recorded under the [M7]Registration of Leases (Scotland) Act 1857 of which a period of not less than ten years in excess of the period fixed for the repayment of the loan remains unexpired at the date of the loan.

Textual Amendments

F108 Words substituted by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(1), **Sch. 5 Pt. I para. 13**(*b*)

Marginal Citations

M7 1857 c. 26.

Miscellaneous

69 Power to vary or terminate certain agreements with housing associations.

(1) This section applies to agreements of the following descriptions—

(a) an agreement for a loan to a housing association by the Housing Corporation under section 2 of the [M8]Housing Act 1964 **[**[F109]**[**[F110](including such an agreement under which rights and obligations have been transferred to Housing for Wales **[**[F111]and then to the Secretary of State**])]**;**]**[F109]under which rights and obligations have been transferred to the Regulator of Social Housing;**]**

(b) an agreement which continues in force under Part I of Schedule 4 (arrangements with local authority for the provision or improvement of housing);

(c) an agreement to which Part II of Schedule 4 applies (subsidy agreements with local authorities);

(d) an agreement which continues in force under Part III of Schedule 4 (special arrangements with the Secretary of State);

[[F112](e) an agreement for a loan or grant to a housing association under section 58(2) or 59(2) (financial assistance by local authorities);**]**

(f) a scheme which continues in force under Part V of Schedule 5 (schemes for unification of grant conditions).

[[F113]**[**[F114](g) an agreement for a loan or grant to a registered housing association under section 24 of the Local Government Act 1988 (power to provide financial assistance for privately let housing accommodation).**]]**

(2) **[**[F115]If any person (other than the Secretary of State) who is a party to an agreement to which this section applies makes an application to the Secretary of State, he**]** may, if he thinks fit, direct—

(a) that the agreement shall have effect with such variations, determined by him or agreed by the parties, as may be specified in the direction, or

(b) that the agreement shall be terminated.

[[F116]and where the Secretary of State is a party to such an agreement, he may agree that it shall have effect with any variations or that it shall be terminated.**]**

[[F117]**[**[F118](2A) In the case of an agreement under which rights and obligations have been transferred to Housing for Wales **[**[F119]and then to the Secretary of State**]**, the reference to a party to the agreement includes a reference to **[**[F120]the Secretary of State**]**.**]]**

[F121(2B) In the case of an agreement under which rights and obligations have been transferred to the Regulator of Social Housing, the reference to a party to the agreement includes a reference to the Regulator of Social Housing.]

(3) No variation shall be directed under subsection (2) which would have the effect of including in an agreement a term—

(a) limiting the aggregate amount of rents payable in respect of dwellings to which the agreement relates or contributions towards the cost of maintaining such dwellings, or

(b) specifying a limit which the rent of a dwelling is not to exceed.

This subsection does not extend to Scotland.

(4) No variation shall be directed under subsection (2) which would have the effect of including in an agreement a term relating to the rent payable in respect of a house to which the agreement relates or contributions towards the cost of maintaining such a house.

This subsection extends to Scotland only.

Textual Amendments

F109 Words in s. 69(1)(a) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 44(2)** (with art. 6, Sch. 3)

F110 Words added by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(b), **Sch. 6 Pt. II para. 28(1)**

F111 Words in s. 69(1)(a) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 27(2)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

F112 S. 69(1)(e) repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 55(1), 227, Sch. 3 para. 4, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.)

F113 S. 69(1)(g) repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 55(1), 227, Sch. 3 para. 4, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.)

F114 S. 69(1)(g) inserted by Local Government Act 1988 (c. 9, SIF 81:1), **s. 24(5)(c)**

F115 Words in s. 69(2) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 27(3)(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

F116 Words in s. 69(2) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 27(3)(b)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

F117 S. 69(2A) inserted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(b), **Sch. 6 Pt. II para. 28(2)**

F118 S. 69(2A) repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 44(3), **Sch. 4** (with art. 6, Sch. 3)

F119 Words in s. 69(2A) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 27(4)(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

F120 Words in s. 69(2A) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 27(4)(b)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

F121 S. 69(2B) inserted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 44(4)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C13 S. 69 modified (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

C14 S. 69: transfer of functions (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2** (see S.I. 2008/3068, art. 2(1)(b))

Marginal Citations

M8 1964 c. 56.

[F122[F123]69A and subject to housing management agreement.

A housing association is not entitled to a **[**F124grant under section 50 (housing association grant) or section 51 (revenue deficit grant) of the Housing Act 1988**]** in respect of land comprised in—

(a) a management agreement within the meaning of the Housing Act 1985 (see sections 27(2) and 27B(4) of that Act: delegation of housing management functions by certain authorities), or

(b) an agreement to which section **[**F125**]**22 of the Housing (Scotland) Act 1987 applies (agreements for exercise by housing co-operatives of certain local authority housing functions).**]]**

Textual Amendments

F122 S. 69A inserted by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(2), **Sch. 5 Pt. II para. 42**

F123 S. 69A repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 1 para. 5, **Sch. 4** (with art. 6, Sch. 3)

F124 Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. II para. 29** (which substitution has a saving in S.I. 1989/404, **arts. 3(c)(ii)**, 4)

F125 Words "22 of the Housing (Scotland) Act 1987" substituted (S.) for "5 of the Housing Rents and Subsidies (Scotland) Act 1975" by Housing (Scotland) Act 1987 (c.26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 31(8)**

70 Continuation of arrangements under repealed enactments.

The provisions of Schedule 4 have effect in relation to certain arrangements affecting housing associations which continue in force despite the repeal of the enactments under or by reference to which they were made, as follows—

Part I —Arrangements with local authorities for the provision or improvement of housing.

Part II —Subsidy agreements with local authorities.

Part III —Special arrangements with the Secretary of State in Scotland.

71 Superseded contributions, subsidies and grants.

The provisions of Schedule 5 have effect with respect to superseded subsidies, contributions and grants, as follows—

Part I —Residual subsidies: England and Wales.

Part II —Residual subsidies: Scotland.

Part III—Contributions and grants under arrangements with local authorities.

Part IV—Contributions under arrangements with the Secretary of State in Scotland.

Part V —Schemes for the unification of grant conditions.
Part VI—New building subsidy and improvement subsidy.
Part VII—Payments in respect of hostels under pre-1974 enactments.

Supplementary provisions

[F126 72 Minor definitions.

In this Part—

. . . . . F127

. . . . . F127

. . . . . F127

"registered charity" has the same meaning as in Part I.]

Textual Amendments

F126 S. 72 repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))

F127 Definitions repealed by Building Societies Act 1986 (c. 53, SIF 16), **ss. 54(3)**(*a*)(5), 120(1)(2), Sch. 18 Pt. I para. 19(2), Sch. 19 Pt. I

73 Index of defined expressions: Part II.

The following Table shows provisions defining or explaining expressions used in this Part (other than provisions defining or explaining an expression in the same section);—

. . . F128	. . . F128
. . . F129	. . . F129
. . . F129	. . . F129
co-operative housing association	section 1(2)
dwelling	section 106
[F130 fully mutual (in relation to a housing association)]	[F130 section 1(2)]
[F130 heritable security]	[F130 section 106]
hostel	section 106
. . . F131	. . . F131
house	section 106
[F130 housing activities]	[F130 section 106]
housing association	section 1(1)
. . .	. . .

F131	F131
. . .	. . .
F131	F131
local authority	section 106
local housing authority	section 104
. . .	. . .
F132	F132
F133	. . .
. . .	
[F130registered charity]	[F130section 72]
[F134registered housing association	section 2B]
[F135registered social landlord	section 2B]
. . .	. . .
F128	F128
self-build society	section 1(3)
. . .	. . .
F136	F136
. . .	. . .
F128	F128
[F137unregistered (in relation to a housing association)	section 2B]

Textual Amendments

F128 Entry repealed by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**

F129 Entries repealed by Building Societies Act 1986 (c. 53, SIF 16), **ss. 54(3)**(*a*)(5), 120(1)(2), Sch. 18 Pt. I para. 19(2), Sch. 19 Pt. I

F130 S. 73: definitions repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))

F131 Entries repealed by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**

F132 Entry repealed by Building Societies Act 1986 (c. 53, SIF 16), **ss. 54(3)**(*a*), 120(1)(2), Sch. 18 Pt. I para. 19(2), Sch. 19 Pt. I

F133 S. 73: definition repealed (1.10.1996) by S.I. 1996/2325, art. 4(1), Sch. 1 Pts. I, **II** (with savings in art. 4(2)(3))

F134 S. 73: definition inserted (S.) (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 24(a)**

F135 S. 73: definition inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 24(b)**

F136 By Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(1), **Sch. 5 Pt. I para. 8(2)** an entry relating to shared ownership agreement was inserted in s. 73 at the appropriate place and by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18** that entry was repealed

F137 S. 73: definition inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 24(c)**

PART III

[[F138] THE HOUSING CORPORATION][[F138]SOCIAL HOUSING IN WALES]

Textual Amendments

F138 Pt. III heading substituted (E.W.) 1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 45** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C15 Pt. III (ss. 74-102) excluded (E.W.) (1.10.1996) by 1996 c. 52, s. 7, **Sch. 1 para. 15(6)**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.)

[[F139]Functions of the Welsh Ministers] and other general matters

Textual Amendments

F139 Words in s. 74 heading substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 46** (with art. 6, Sch. 3)

74 The [[F140]Welsh Ministers]

[[F141](1) This Part has effect with respect to the Welsh Ministers.]

[F142](2) . . . . . .

[F143](3) . . . . . .

[[F144](4) The functions in this Part exercisable by the Welsh Ministers may only be exercised in relation to Wales.]

Textual Amendments

F140 Words in s. 74 heading substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 47(d)** (with art. 6, Sch. 3)

F141 S. 74(1) substituted for s. 74(1)(1A) (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 47(a) (with art. 6, Sch. 3)

F142 S. 74(2) repealed (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 2, **Sch. 2** (with Sch. 1 para. 12)

F143 S. 74(3) repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 47(b), **Sch. 4** (with art. 6, Sch. 3)

F144 S. 74(4) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 47(c)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C16 S. 74 modified (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 3** (with art. 6, Sch. para. 3(4)) (see S.I. 2008/3068, art. 2(1)(b))

75 [F145General functions]

(1) The [F146Welsh Ministers][F147have] the following general functions—

[F148(a) to facilitate the proper performance of the functions of registered social landlords;

(b) to maintain a register of social landlords and to exercise supervision and control over such persons;

(c) to promote and assist the development of self-build societies (other than registered social landlords) and to facilitate the proper performance of the functions, and to publicise the aims and principles, of such societies;]

(d) F149

(e) to undertake, to such extent as the [F150Welsh Ministers consider] necessary, the provision (by construction, acquisition, conversion, improvement or otherwise) of dwellings for letting or for sale and of hostels, and the management of dwellings or hostels so provided.

F151(f) . . . . . .

F152(1A) . . . . . .

F153(1B) . . . . . .

(2) The [F154Welsh Ministers] shall exercise [F155their] general functions subject to and in accordance with the provisions of this Act [F156and Part I of the Housing Act 1996].

(3) Subsection (1) is without prejudice to specific functions conferred on the [F157Welsh Ministers] by or under this Act [F158or Part I of the Housing Act 1996].

(4) The [F159Welsh Ministers] may do such things and enter into such transactions as are incidental to or conducive to the exercise of any of [F160their] functions, general or specific, under this Act [F158or Part I of the Housing Act 1996].

F161(5) . . . . . .

F162(6) . . . . . .

Textual Amendments

F145 S. 75 heading substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 48(8)** (with art. 6, Sch. 3)

F146 Words in s. 75(1) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 48(2)(a)** (with art. 6, Sch. 3)

F147 Word in s. 75(1) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 48(2)(b)** (with art. 6, Sch. 3)

F148 S. 75(1)(a)-(c) substituted (1.10.1996) by 1996 c. 52, s. 55(1), **Sch. 3 para. 5**; S.I. 1996/2402, **art. 3** (with transitional provisions and savings in Sch.)

F149 Ss. 41–51, 75(1)(*d*) repealed by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**

F150 Words in s. 75(1)(e) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 48(2)(c)** (with art. 6, Sch. 3)

F151 S. 75(1)(f) repealed (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, Sch. 2 para. 5(2), **Sch. 4**; S.I. 2005/558, art. 2, Sch. 1

F152 S. 75(1A) repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 48(3), **Sch. 4** (with art. 6, Sch. 3)

F153 S. 75(1B) repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 48(3), **Sch. 4** (with art. 6, Sch. 3)

F154 Words in s. 75(2)-(4) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 48(4)** (with art. 6, Sch. 3)

F155 Word in s. 75(2) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 48(5)** (with art. 6, Sch. 3)

F156 Words in s. 75(2) inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(26)(a)**

F157 Words in s. 75(2)-(4) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 48(4)** (with art. 6, Sch. 3)

F158 Words in s. 75(3)(4) inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(26)(b)**

F159 Words in s. 75(2)-(4) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 48(4)** (with art. 6, Sch. 3)

F160 Word in s. 75(4) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 48(6)** (with art. 6, Sch. 3)

F161 S. 75(5) repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3** (with s. 10(5)), S.I. 2001/566, **art. 2**

F162 S. 75(6) repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 48(7), **Sch. 4** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C17 S. 75: transfer of functions (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2** (see S.I. 2008/3068, art. 2(1)(b))

F163 76 Directions by the Secretary of State.

. . . . . .

Textual Amendments

F163 S. 76 repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 49, **Sch. 4** (with art. 6, Sch. 3)

76A Realisation of value of Housing Corporation's loans portfolio.

F164 . . . . . .

Textual Amendments

F164 S. 76A repealed (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 4, **Sch. 2** (with Sch. 1 para. 12)

77 Advisory service.

(1) The **[**[F165]Welsh Ministers**]** may provide an advisory service for the purpose of giving advice on legal, architectural and other technical matters to **[**[F166]registered social landlords or unregistered housing associations**]** and to persons who are forming a housing association or are interested in the possibility of doing so.

(2) The **[**[F167]Welsh Ministers**]** may make charges for the service.

[[F168](3) The powers conferred on the Welsh Ministers by subsections (1) and (2) may be exercised by the Welsh Ministers acting jointly with the Regulator of Social Housing.**]**

Textual Amendments

F165 Words in s. 77(1) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 50(2)** (with art. 6, Sch. 3)

F166 Words in s. 77(1) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(27)**

F167 Words in s. 77(2) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 50(2)** (with art. 6, Sch. 3)

F168 S. 77(3) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 50(3)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C18 S. 77 modified (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

C19 S. 77: transfer of functions (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2** (see S.I. 2008/3068, art. 2(1)(b))

[F169]78 Annual report.

. . . . . .

Textual Amendments

F169 S. 78 repealed (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 5, **Sch. 2** (with Sch. 1 para. 12)

[[F170]*Relevant Authority's]* powers with respect to grants and loans*

Textual Amendments

F170 Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

79 Lending powers.

[F171(1) The [F172Welsh Ministers] may lend to a registered social landlord or an unregistered self-build society[F173]... for the purpose of enabling the body to meet the whole or part of expenditure incurred or to be incurred by it in carrying out its objects.

(2) The [F174Welsh Ministers] may lend to an individual for the purpose of enabling him to acquire from—

(a) the [F175Welsh Ministers], or

(b) [F176a registered social landlord or an unregistered self-build society,]

a legal estate or interest in a dwelling which he intends to occupy.]

(3) A loan under this section may be by way of temporary loan or otherwise, and the terms of a loan made under subsection (1) may include (though the terms of a loan made under subsection (2) may not) terms for preventing repayment of the loan or part of it before a specified date without the consent of the [F177Welsh Ministers].

[F178(4) Subject to that, the terms of a loan under this section shall be such as the Welsh Ministers determine either generally or in a particular case.]

Textual Amendments

F171 S. 79(1)(2) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 35(2)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

F172 Words in s. 79(1) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 51(2)(a)** (with art. 6, Sch. 3)

F173 Words in s. 79(1) repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 51(2)(b), **Sch. 4** (with art. 6, Sch. 3)

F174 Words in s. 79(2) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 51(3)(a)** (with art. 6, Sch. 3)

F175 Words in s. 79(2)(a) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 51(3)(b)** (with art. 6, Sch. 3)

F176 S. 79(2)(b) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 51(3)(c)** (with art. 6, Sch. 3)

F177 Words in s. 79(3) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 51(4)** (with art. 6, Sch. 3)

F178 S. 79(4) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 51(5)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C20 S. 79: transfer of functions (E.W.) (1.12.2008 for specified purposes) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2** (see S.I. 2008/3068, art. 2(1)(b))

C21 S. 79 modified (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

80 Security for loans to unregistered self-build societies.

(1) Where the **[**[F179]Welsh Ministers**]**—

(a) **[**[F180]make**]** a loan to an unregistered self-build society under section 79(1); and

(b) under a mortgage [F181]... entered into by the society to secure the loan **[**[F182]have**]** an interest as mortgagee or creditor in land belonging to the society,

[[F183]they may**]**[F184]. . . give the society directions with respect to the disposal of the land.

(2) The society shall comply with directions so given so long as the **[**[F185]Welsh Ministers continue**]** to have such an interest in the land.

(3) Directions so given may be varied or revoked by subsequent directions [F186]... .

[F187](3A) . . . . . .

(4) **[**[F188]The Welsh Ministers shall not give directions under this section requiring a society to transfer its interest in land to them or any other person unless they are satisfied**]** that arrangements have been made which will secure that the members of the society receive fair treatment in connection with the transfer.

Textual Amendments

F179 Words in s. 80(1) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 52(2)(a)** (with art. 6, Sch. 3)

F180 Word in s. 80(1)(a) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 52(2)(b)** (with art. 6, Sch. 3)

F181 Words in s. 80(1)(b) repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 52(2)(c)(i), **Sch. 4** (with art. 6, Sch. 3)

F182 Word in s. 80(1)(b) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 52(2)(c)(ii)** (with art. 6, Sch. 3)

F183 Words in s. 80(1) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 52(2)(d)** (with art. 6, Sch. 3)

F184 Words in s. 80(1) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 36(2), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**

F185 Words in s. 80(2) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 52(3)** (with art. 6, Sch. 3)

F186 Words in s. 80(3) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 36(3), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**

F187 S. 80(3A) repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 52(4), **Sch. 4** (with art. 6, Sch. 3)

F188 Words in s. 80(4) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 52(5)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C22 S. 80: transfer of functions (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2** (see S.I. 2008/3068, art. 2(1)(b))

C23 S. 80 modified (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

81 Further advances in case of disposal on shared ownership lease.

Where—

(a) a lease of a dwelling, granted otherwise than in pursuance of the provisions of Part V of the [M9]Housing Act 1985 (the right to buy) relating to shared ownership leases, contains a provision to the like effect as that required by paragraph 1 of Schedule 8 to that Act (terms of shared ownership lease: right of tenant to acquire additional shares), and

(b) the **[**[F189]Welsh Ministers have**]**, in exercise of any of **[**[F190]their**]** powers, left outstanding or advanced any amount on the security of the dwelling,

that power includes power to advance further amounts for the purpose of assisting the tenant to make payments in pursuance of that provision.

Textual Amendments

F189 Words in s. 81(b) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 53(a)** (with art. 6, Sch. 3)

F190 Word in s. 81(b) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 53(b)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C24 S. 81 modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

C25 S. 81: transfer of functions (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2**(see S.I. 2008/3068, art. 2(1)(b))

Marginal Citations

M9 1985 c. 68.

82 Loans made under s. 2 of the Housing Act 1964.

Schedule 7 (further powers of **[**[F191]Relevant Authority**]** with respect to land of certain housing associations) applies where a loan has been made to a housing association under section 2 of the [M10]Housing Act 1964 and the loan has not been repaid.

Textual Amendments

F191 Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

Marginal Citations

M10 1964 c. 56.

83 Power to guarantee loans.

[[F192](1) The Welsh Ministers may guarantee the repayment of the principal of, and the payment of interest on, sums borrowed by registered social landlords or unregistered self-build societies.

(2) A guarantee may be subject to terms and conditions.**]**

[[F193](3A) The aggregate amount outstanding in respect of—

(a) loans for **[**[F194]which the Welsh Ministers (or National Assembly for Wales, Secretary of State or Housing for Wales) have**]** given a guarantee under this section, and

(b) payments made **[**[F195]by the Welsh Ministers (or National Assembly for Wales, Secretary of State or Housing for Wales) in**]** meeting an obligation arising by virtue of such a guarantee and not repaid **[**[F196]to the Welsh Ministers (or National Assembly for Wales, Secretary of State or Housing for Wales)**]**,

shall not exceed £30 million or such greater sum not exceeding £50 million **[**[F197]as the Welsh Ministers may specify by order**]**.**]**

[[F198](4) An order under subsection (3A)—

(a) shall be made by statutory instrument, and

(b) shall not be made unless, a draft of the order has been laid before, and approved by a resolution of, the National Assembly for Wales.**]**

Textual Amendments

F192 S. 83(1)(2) substituted for s. 83(1)-(3) (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 54(2)** (with art. 6, Sch. 3)

F193 S. 83(3A) inserted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. III para. 34(2)**

F194 Words in s. 83(3A)(a) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 54(3)(a)** (with art. 6, Sch. 3)

F195 Words in s. 83(3A)(b) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 54(3)(b)(i)** (with art. 6, Sch. 3)

F196 Words in s. 83(3A)(b) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 54(3)(b)(ii)** (with art. 6, Sch. 3)

F197 Words in s. 83(3A) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 54(3)(c)** (with art. 6, Sch. 3)

F198 S. 83(4) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 54(4)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C26 S. 83 modified (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

C27 S. 83: transfer of functions (E.W.) (1.12.2008 for specified purposes) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2** (see S.I. 2008/3068, art. 2(1)(b))

84 [F199Agreements to indemnify certain lenders]

(1) The [F200Welsh Ministers] may F201. . . enter into an agreement with—

(a) a building society lending on the security of a house, or

(b) a recognised body making a relevant advance on the security of a house,

whereby, in the event of default by the mortgagor, and in circumstances and subject to conditions specified in the agreement, the [F200Welsh Ministers][F202bind themselves] to indemnify the society or body in respect of the whole or part of the mortgagor's outstanding indebtedness and any loss or expense falling on the society or body in consequence of the mortgagor's default.

(2) The agreement may also, if the mortgagor is made party to it, enable or require the [F200Welsh Ministers] in specified circumstances to take a transfer of the mortgage and assume rights and liabilities under it, the building society or recognised body being then discharged in respect of them.

(3) The transfer may be made to take effect—

(a) on terms provided for by the agreement (including terms involving substitution of a new mortgage agreement or modification of the existing one), and

(b) so that the [F200Welsh Ministers][F203are] treated as acquiring (for and in relation to the purposes of the mortgage) the benefit and burden of all preceding acts, omissions and events.

F204(4) . . . . . .

(5) [F205The Welsh Ministers shall, before entering into an agreement in a form about which they have not] previously consulted under this subsection, consult—

(a) in the case of a form of agreement with a building society, [F206the Financial Conduct Authority, the Prudential Regulation Authority] and such organisations representative of building societies and local authorities as [F207they think] expedient, and

(b) in the case of a form of agreement with a recognised body, such organisations representative of such bodies and local authorities as [F207they think] expedient.

F208(6) . . . . . .

Textual Amendments

F199 S. 84 heading substituted (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 6(7)** (with Sch. 1 para. 12)

F200 Words in s. 84 substituted (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 6(2)** (with Sch. 1 para. 12)

F201 Words in s. 84(1) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 38(2), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**

F202 Words in s. 84(1) substituted (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 6(3)** (with Sch. 1 para. 12)

F203 Word in s. 84(3)(b) substituted (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 6(4)** (with Sch. 1 para. 12)

F204 S. 84(4) repealed (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 6(5), **Sch. 2** (with Sch. 1 para. 12)

F205 Words in s. 84(5) substituted (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 6(6)(a)** (with Sch. 1 para. 12)

F206 Words in s. 84(5)(a) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 11 para. 1(2)** (with Sch. 12)

F207 Words in s. 84(5)(a)(b) substituted (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 6(6)(b)** (with Sch. 1 para. 12)

F208 S. 84(6) repealed (1.3.2000) by S.I. 2000/311, **art. 16**

Modifications etc. (not altering text)

C28 Ss. 84(5)(*b*), 85(4l) amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13 paras. 22, **23** as substituted by Housing (Consequential Provisions) Act 1985 (c.71, SIF 61), s. 4, **Sch. 2 para. 61**

Ss. 84(5)(b), 85(4) extended (5.7.1994) by 1994 c. 19, s. 39, **Sch. 13 para. 20(l)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

Ss. 84(5)(b), 85(4) modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 9**

85 Meaning of "recognised body" and "relevant advance".

(1) The expressions "recognised body" and "relevant advance" in section 84 (agreements to indemnify certain lenders) shall be construed in accordance with the following provisions.

(2) A "recognised body" means a body specified, or of a class or description specified, in an order made by statutory instrument by the **[**[F209]Welsh Ministers**]**[F210]. . ..

(3) Before making such an order varying or revoking an order previously made, the **[**[F209]Welsh Ministers**]** shall give an opportunity for representations to be made on behalf of a recognised body which, if the order were made, would cease to be such a body.

(4) A "relevant advance" means an advance made to a person whose interest in the dwelling is or was acquired by virtue of a conveyance of the freehold or an assignment of a long lease, or a grant of a long lease by—

a local authority,

a new town corporation,

[[F211]the Welsh Ministers so far as they are or were exercising functions in relation to property transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981,**]**

an urban development corporation,

[F212]. . .

[F213]..., or

a **[**[F214]registered social landlord**]**.**[**[F215] or an advance made to such a person by the **[**[F209]Welsh Ministers**]** if the conveyance, assignment or grant was made under section 90.**]**

(5) In subsection (4) "long lease" has the same meaning as in Part V of the [M11]Housing Act 1985 (the right to buy).

Textual Amendments

F209 Words in s. 85(2)(3)(4) substituted (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 7(2)** (with Sch. 1 para. 12)

F210 Words in s. 85(2) repealed (1.10.1996) by 1996 c. 52, ss. 222, 227, Sch. 18 Pt. IV para. 22(1)(d), **Sch. 19 Pt. XIII**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.)

F211 Words in s. 85(4) inserted (1.12.2008) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002), art. 1(2), **Sch. 1 para. 34** (with Sch. 2) (see S.I. 2008/3068, art. 2(1)(b))

F212 Words in s. 85(4) repealed (1.11.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**

F213 Words in s. 85(4) omitted (1.4.2009) by virtue of The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 7(3), **Sch. 2** (with Sch. 1 para. 12)

F214 Words in s. 85(4) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(30)**

F215 Words in s. 85(4) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 39(b)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

Modifications etc. (not altering text)

C29 Ss. 84(5)(*b*), 85(4) amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13 paras. 22, **23** as substituted by Housing (Consequential Provisions) Act 1985 (c.71, SIF 61), s. 4, **Sch. 2 para. 61**

Ss. 84(5)(b), 85(4) extended (5.7.1994) by 1994 c. 19, s. 39, **Sch. 13 para. 20(l)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

Ss. 84(5)(b), 85(4) modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 9**

C30 S. 85(4) explained by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 5(1), **Sch. 3 para. 5(3)**

Marginal Citations

M11 1985 c. 68.

86 Agreements to indemnify building societies: Scotland.

(1) **[**[F216]Scottish Homes**]** may, with the approval of the Secretary of State, enter into an agreement with a building society **[**[F217]or recognised body**]** under which **[**[F216]Scottish Homes**]** binds itself to indemnify the building society **[**[F217]or recognised body**]** in respect of—

(a) the whole or part of any outstanding indebtedness of a borrower; and

(b) loss or expense to the building society **[**[F217]or recognised body**]** resulting from the failure of the borrower duly to perform any obligation imposed on him by **[**[F218]a**]** heritable security.

(2) The agreement may also, where the borrower is made party to it, enable or require **[**[F216]Scottish Homes**]** in specified circumstances to take an assignation of the rights and liabilities of the building society **[**[F219]or recognised body**]** under the heritable security.

(3) Approval of the Secretary of State under subsection (1) may be given generally in relation to agreements which satisfy specified requirements, or in relation to individual agreements, and with or without conditions, as he thinks fit, and such approval may be withdrawn at any time on one month's notice.

(4) Before issuing any general approval under subsection (1) the Secretary of State shall consult with such bodies as appear to him to be representative of islands and district councils, and of building societies, and also with **[**[F216]Scottish Homes**]** and with **[**[F220]the Financial Conduct Authority and the Prudential Regulation Authority**]**.

[F221](5) . . . . . .

[F222(6) In this section, "recognised body" means a body designated, or of a class or description designated, in an order made under this subsection by statutory instrument by the Secretary of State with the consent of the Treasury.

(7) Before making an order under subsection (6) above varying or revoking an order previously so made, the Secretary of State shall give an opportunity for representations to be made on behalf of a recognised body which, if the order were made, would cease to be such a body.]

Textual Amendments

F216 Words in s. 86(1)(2)(4) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(6)**
F217 Words inserted by Housing (Scotland) Act 1986 (c. 65, SIF 61), s. 25(1), **Sch. 2 para. 4(6)**(*a*)(i)
F218 "a" substituted by Housing (Scotland) Act 1986 (c. 65, SIF 61), s. 25(1), **Sch. 2 para. 4(6)**(*a*)(ii)
F219 Words inserted by Housing (Scotland) Act 1986 (c. 65, SIF 61), s. 25(1), **Sch. 2 para. 4(6)**(*b*)
F220 Words in s. 86(4) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 11 para. 1(3)** (with Sch. 12)
F221 S. 86(5) repealed (1.3.2000) by S.I. 2000/311, **art. 16**
F222 S. 86(6)(7) added by Housing (Scotland) Act 1986 (c. 65, SIF 61), s. 25(1), **Sch. 2 para. 4(6)**(*d*)

[F223 87 Financial assistance with respect to formation, management, etc. of certain housing associations.

F224(1) [The [F225Welsh Ministers] may give financial assistance to any person to facilitate the proper performance of the functions of registered social landlords or co-operative housing associations.]

(2) Assistance under this section may be in the form of grants, loans, guarantees or incurring expenditure for the benefit of the person assisted or in such other way as the [F226Welsh Ministers consider appropriate, except that they] may not, in giving any form of financial assistance [F227under this section], purchase loan or share capital in a company.

(3) With respect to financial assistance under this section, the following—

(a) the procedure to be followed in relation to applications for assistance,

(b) the circumstances in which assistance is or is not to be given,

(c) the method for calculating, and any limitations on, the amount of assistance, and

(d) the manner in which, and the time or times at which, assistance is to be given,

shall be such as may be specified by the [F228Welsh Ministers]F229... .

(4) In giving assistance under this section, the [F230Welsh Ministers] may provide that the assistance is conditional upon compliance by the person to whom the assistance is given with such conditions as [F231they] may specify.

(5) Where assistance under this section is given in the form of a grant, subsections (1), (2) and (7) to (9) of section 52 of the Housing Act 1988 (recovery, etc. of grants) shall apply as they apply in relation to a grant to which that section applies, but with the substitution, for any reference in those subsections to the [F232registered][F233relevant housing association] to which the grant has been given, of a reference to the person to whom assistance is given under this section.

[F234](6) . . . . . .]

Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F223 S. 87 substituted by Local Government and Housing Act 1989 (c. 42 SIF 61), s.183

F224 S. 87(1) substituted (1.10.1996) by 1996 c. 52, s. 55(1), **Sch. 3 para. 7**; S.I. 1996/2402 art. 3 (with transitional provisions and savings in Sch.)

F225 Words in s. 87(1) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 55(2)** (with art. 6, Sch. 3)

F226 Words in s. 87(2) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 55(3)** (with art. 6, Sch. 3)

F227 Words in s. 87(2) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 40** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

F228 Words in s. 87(3) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 55(4)** (with art. 6, Sch. 3)

F229 Words in s. 87(3) repealed (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(b), Sch. 11 para. 1(a), **Sch. 16**

F230 Words in s. 87(4) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 55(5)(a)** (with art. 6, Sch. 3)

F231 Word in s. 87(4) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 55(5)(b)** (with art. 6, Sch. 3)

F232 Word in s. 87(5) repealed (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))

F233 Words in s. 87(5) substituted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 55(6)** (with art. 6, Sch. 3)

F234 S. 87(6) repealed (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), Sch. 11 para. 1(b), **Sch. 16**

Modifications etc. (not altering text)

C31 S. 87: transfer of functions (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2** (see S.I. 2008/3068, art. 2(1)(b))

[[F235]Relevant Authority's] powers with respect to land and works

Textual Amendments

F235 Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(b)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

88 Acquisition of land.

(1) The **[**[F236]Welsh Ministers**]** may acquire land by agreement for the purpose of—

(a) selling or leasing it to a **[**[F237]registered social landlord**]** or an unregistered self-build society, or

(b) providing dwellings (for letting or for sale) or hostels,

[[F238]and the Welsh Ministers may acquire land compulsorily for any such purpose.**]**

(2) Land may be so acquired by the **[**[F239]Welsh Ministers**]** notwithstanding that it is not immediately required for any such purpose.

[[F240](3) The Acquisition of Land Act 1981 applies to the compulsory purchase of land under this section.**]**

[F241](4) . . . . . .

[F241](5) . . . . . .

Textual Amendments

F236 Words in s. 88(1) substituted (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 8(2)(a)** (with Sch. 1 para. 12)

F237 Words in s. 88(1) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(31)**

F238 Words in s. 88(1) substituted (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 8(2)(b)** (with Sch. 1 para. 12)

F239 Words in s. 88(2) substituted (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 8(3)** (with Sch. 1 para. 12)

F240 S. 88(3) substituted (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 8(4)** (with Sch. 1 para. 12)

F241 S. 88(4)(5) repealed (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 8(5), **Sch. 2** (with Sch. 1 para. 12)

89 Provision of dwellings or hostels and clearance, management and development of land.

(1) The **[**[F242]Welsh Ministers**]** may provide or improve dwellings or hostels on land belonging **[**[F243]to them**]**.

(2) The **[**[F242]Welsh Ministers**]** may clear land belonging **[**[F243]to them**]** and carry out other work on the land to prepare it as a building site or estate, including—

(a) the laying out and construction of streets or roads and open spaces, and

(b) the provision of sewerage facilities and supplies of gas, electricity and water.

(3) The **[**[F242]Welsh Ministers**]** may repair, maintain and insure buildings or works on land belonging **[**[F243]to them**]**, may generally deal in the proper course of management with such land and buildings or works on it, and may charge for the tenancy or occupation of such land, buildings or works.

(4) The **[**[F242]Welsh Ministers**]** may carry out such operations on, and do such other things in relation to, land belonging **[**[F243]to them**]** as appear **[**[F243]to them**]** to be conducive to facilitating the provision or improvement of dwellings or hostels on the land—

(a) by the **[**[F242]Welsh Ministers**]****[**[F244]themselves**]**, or

(b) by a **[**[F245]registered social landlord**]** or unregistered self-build society.

(5) In the exercise of [F246their] powers under subsection (4) the [F242Welsh Ministers] may carry out any development ancillary to or in connection with the provision of dwellings or hostels, including development which makes provision for buildings or land to be used for commercial, recreational or other non-domestic purposes.

Textual Amendments

F242 Words in s. 89 substituted (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 9(2)** (with Sch. 1 para. 12)

F243 Words in s. 89 substituted (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 9(3)** (with Sch. 1 para. 12)

F244 Word in s. 89(4)(a) substituted (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 9(4)** (with Sch. 1 para. 12)

F245 Words in s. 89(4)(b) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. para. 15(32)**

F246 Word in s. 89(5) substituted (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 9(5)** (with Sch. 1 para. 12)

90 Disposal of land.

(1) The [F247Welsh Ministers] may dispose of land in respect of which [F248they have] not exercised [F249their powers] under section 89(1) (provision or improvement of dwellings or hostels) and on which [F248they have] not carried out any such development as is mentioned in section 89(5) [F250(ancillary development) to a registered social landlord or an unregistered self-build society F251....]

(2) The [F252Welsh Ministers] may dispose of land on which dwellings or hostels have been provided or improved in exercise of [F253their powers] under section 89 to—

a [F254registered social landlord],

a local authority,

a new town corporation[F255, or

Scottish Homes;

F256 . . . . . .]

[F257(3) The Welsh Ministers may sell or lease individual dwellings to persons for those persons to occupy.]

[F257(4) The Welsh Ministers may dispose of a building or land intended for use for commercial, recreational or other non-domestic purposes in respect of which development has been carried out by virtue of section 89.]

[F257(5) The Welsh Ministers may dispose of land which is not required for the purposes for which it was acquired.]

Textual Amendments

F247 Words in s. 90(1) substituted (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 10(2)(a)** (with Sch. 1 para. 12)

F248 Words in s. 90(1) substituted (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 10(2)(b)** (with Sch. 1 para. 12)

F249 Words in s. 90(1) substituted (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 10(2)(c)** (with Sch. 1 para. 12)

F250 Words in s. 90(1) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 42(2)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

F251 Words in s. 90(1) omitted (E.W.) (1.4.2009) by virtue of The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 10(2)(d)** (with Sch. 1 para. 12)

F252 Words in s. 90(2) substituted (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 10(3)(a)** (with Sch. 1 para. 12)

F253 Words in s. 90(2) substituted (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 10(3)(b)** (with Sch. 1 para. 12)

F254 Words in s. 90(2) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(33)**

F255 Words in s. 90(2) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 42(3)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

F256 Words in s. 90(2) omitted (E.W.) (1.4.2009) by virtue of The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 10(3)(c), **Sch. 2** (with Sch. 1 para. 12)

F257 S.90(3)-(5) substituted for s. 90(3)-(6) (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 10(4)** (with Sch. 1 para. 12)

[F258]91 Protection of persons deriving title under transactions requiring consent.

. . . . . .

Textual Amendments

F258 Ss. 91-100 repealed (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

*The **[**[F259]Relevant Authority's**]** finances*

Textual Amendments

F259 Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(b)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

[F258]92 Borrowing powers.

. . . . . .

Textual Amendments

F258 Ss. 91-100 repealed (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

[F258]93 Limit on borrowing.

. . . . . .

Status: *Point in time view as at 01/04/2014.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

Textual Amendments

F258 Ss. 91-100 repealed (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

F258 94 Treasury guarantees of borrowing.

. . . . . .

Textual Amendments

F258 Ss. 91-100 repealed (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

F258 95 Grants to the Housing Corporation.

. . . . . .

Textual Amendments

F258 Ss. 91-100 repealed (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

F258 96 General financial provisions.

. . . . . .

Textual Amendments

F258 Ss. 91-100 repealed (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

F258 97 Accounts and audit.

. . . . . .

Textual Amendments

F258 Ss. 91-100 repealed (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

Acquisition of securities and control of subsidiaries

F258 98 Acquisition of securities and promotion of body corporate.

. . . . . .

Textual Amendments

F258 Ss. 91-100 repealed (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

[F258]99 Control of subsidiaries.

. . . . . .

Textual Amendments

F258 Ss. 91-100 repealed (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

Supplementary provisions

[F260][F258]100 Scottish Special Housing Association may act as agents for Relevant Authority in Scotland.

. . . . . .

Textual Amendments

F258 Ss. 91-100 repealed (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

F260 S. 100 repealed (S.) by Housing (Scotland) Act 1986 (c. 65, SIF 61), **s. 25(2)**,Sch. 3

101 Minor definitions.

In this Part—

[[F261]"building society" means a building society within the meaning of the Building Societies Act 1986;**]**

"financial year" means the period of 12 months ending with the 31st March;

"highway", in relation to Scotland, includes a public right of way;

"subsidiary" has the meaning given by **[**[F262]section 1159 of the Companies Act 2006**]** .

Textual Amendments

F261 Definition substituted by Building Societies Act 1986 (c. 53, SIF 16), **ss. 54(3)**(*a*)(5), 120(1), Sch. 18 Pt. I para. 19(4)

F262 Words in s. 101 substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 63(2)** (with art. 10)

102 Index of defined expressions: Part III. E+W

The following Table shows provisions defining or explaining expressions used in this Part (other than provisions defining or explaining an expression in the same section or paragraph):—

building society	section 101
F263	F263
. . .	. . .
[F264co-operative housing association	section 1]
dwelling	section 106
financial year	section 101
heritable security	section 106
highway (in relation to Scotland)	section 101
hostel	section 106
housing association	section 1(1)
local authority	section 106
local housing authority	section 104
new town corporation	section 106
recognised body	section 85(2)
[F265registered social landlord	section 2B]
relevant advance	section 85(4)
self-build society	section 1(3)
subsidiary	section 101
[F266unregistered (in relation to a housing association)	section 2B]
urban development corporation	section 106

Extent Information

E2 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F263 S. 102 entry omitted (1.10.2009) by virtue of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 63(3)** (with art. 10)

F264 S. 102: definition inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 34(a)**

F265 S. 102: definition substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 34(b)**

F266 S. 102: definition substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 34(c)**

102 Index of defined expressions: Part III. S

The following Table shows provisions defining or explaining expressions used in this Part (other than provisions defining or explaining an expression in the same section or paragraph):—

building society	section 101
F263	**F263**
. . .	. . .
dwelling	section 106
financial year	section 101
heritable security	section 106
highway (in relation to Scotland)	section 101
hostel	section 106
housing association	section 1(1)
local authority	section 106
local housing authority	section 104
new town corporation	section 106
recognised body	section 85(2)
registered (in relation to a housing association)	section 3(2)
relevant advance	section 85(4)
self-build society	section 1(3)
subsidiary	section 101
unregistered (in relation to a housing association)	section 3(2)
urban development corporation	section 106

Extent Information

E3 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F263 S. 102 entry omitted (1.10.2009) by virtue of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 63(3)** (with art. 10)

PART IV

GENERAL PROVISIONS

General provisions

103 Application to Isles of Scilly.

(1) This Act applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.

(2) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

104 Local housing authorities.

(1) In this Act "local housing authority"—

(a) in relation to England and Wales, has the meaning given by section 1 of the [M12]Housing Act 1985, and

(b) in relation to Scotland, means **[**[F267]a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]**.

(2) References in this Act to the district of a local housing authority—

(a) in England and Wales shall be construed in accordance with section 2 of the Housing Act 1985, and

(b) in Scotland are to the **[**[F268]area of a council mentioned in subsection (1)(b) above**]**.

Textual Amendments

F267 Words in s. 104(1)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 143(3)(a)**; S.I. 1996/323, **art. 4(1)(b)(c)**

F268 Words in s. 104(2)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 143(3)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**

Marginal Citations

M12 1985 c. 68.

105 Members of a persons family

[[F269](1) A person is a member of another's family if—

(a) he is the spouse **[**[F270]or civil partner**]** of that person, or he and that person live together as husband and wife, **[**[F271]or in a relationship which has the characteristics of the relationship between civil partners**]** or

(b) he is that person's parent, grandparent, child, grand- child, brother, sister, uncle, aunt, nephew or niece.

(2) For the purposes of subsection (1)(b)—

(a) a relationship by marriage **[**[F272] or civil partnership**]** shall be treated as a relation- ship by blood,

(b) a relationship of the half-blood shall be treated as a relationship of the whole blood,

(c) the stepchild of a person shall be treated as his child, and

(d) an illegitimate child shall be treated as the legitimate child of his mother and reputed father.**]**

Textual Amendments

F269 S. 105 repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), Sch. 1 Pt. I (with savings in art. 4(2)(3))

F270 Words in s. 105(1)(a) inserted (S.) (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 52(2)(a)**; S.S.I. 2005/604, arts. 2(c), 4

F271 Words in s. 105(1)(a) inserted (S.) (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 52(2)(b)**; S.S.I. 2005/604, arts. 2(c), 4

F272 Words in s. 105(2)(a) inserted (S.) (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 52(3)**; S.S.I. 2005/604, arts. 2(c), 4

106 Minor definitions — general.

(1) In the application of this Act in England and Wales—

[[F273]"bank" means—

(a) **[**[F274]an institution authorised under the Banking Act 1987, or**]**

(b) a company as to which the Secretary of State was satisfied immediately before the repeal of the [M13]Protection of Depositors Act 1963 that it ought to be treated as a banking company or discount company for the purposes of that Act;**]**

[[F273]"the Companies Act" means the [M14]Companies Act 1985;**]**

"dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

[[F273]"friendly society" means a friendly society or branch of a friendly society registered under the [M15]Friendly Societies Act 1974 or earlier legislation;**]**

"hostel" means a building in which is provided for persons generally or for a class or classes of persons—

(a) residential accommodation otherwise than in separate and self-contained sets of premises, and

(b) either board or facilities for the preparation of food adequate to the needs of those persons, or both;

"house" includes—

(a) any part of a building which is occupied or intended to be occupied as a separate dwelling;

(b) any yard, garden, outhouses and appurtenances belonging to the house or usually enjoyed with it;

[F275] . . . . . .

[[F273]"insurance company" means an insurance company to which Part II of the [M16]Insurance Companies Act 1982 applies;**]**

"local authority" means a county, **[**[F276]county borough,**]** district, or London borough council, the Common Council of the City of London or the

Council of the Isles of Scilly and in **[**[F277]section 84(5)**]** includes [F278]... a joint authority established by Part IV of the [M17]Local Government Act 1985 **[**[F279], an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act**][**[F280] and the London Fire and Emergency Planning Authority**][**[F281]and in section 85(4) includes such a joint authority**[**[F282]such an economic prosperity board, such a combined authority, **][**[F280]the London Fire and Planning Authority**][**[F283], a police and crime commissioner and the Mayor's Office for Policing and Crime**]]**;

"new town corporation" means **[**[F284]the Commission for the New Towns or**]** a development corporation within the meaning of the [M18]New Towns Act 1981;

"shared ownership lease" means a lease—

(a) granted on payment of a premium calculated by reference to a percentage of the value of the house or dwelling or of the cost of providing it, or

(b) under which the tenant (or his personal representatives) will or may be entitled to a sum calculated by reference directly or indirectly to the value of the house or dwelling;

[[F273]"trustee savings bank" means a trustee savings bank registered under the [M19]Trustee Savings Bank Act 1981 or earlier legislation;**]**

"urban development corporation" means an urban development corporation established under Part XVI of the [M20]Local Government, Planning and Land Act 1980.

(2) In the application of this Act in Scotland—

[[F285]"bank" has the same meaning as in subsection (1);**]**

"charge" includes a heritable security;

[F286] . . . . . .

"dwelling" means a house;

[[F285]"friendly society" has the same meaning as in subsection (1);**]**

[[F287]"heritable security" means any security capable of being constituted over any **[**[F288]land, or real right in land, by disposition of the land, or assignation of the real right,**]** in security of any debt and of being recorded in the Register of Sasines or, as the case may be, registered in the Land Register of Scotland and which includes a security constituted by an ex facie absolute disposition or assignation or by a standard security;**]**

"hostel" means—

(a) in relation to a building provided or converted before 3rd January 1962, a building in which is provided, for persons generally or for any class or classes of persons, residential accommodation (otherwise than in separate and self-contained dwellings) and board, and

(b) in relation to a building provided or converted on or after that date, a building in which is provided for persons generally or for any class or classes of persons, residential accommodation (otherwise than in houses) and either board or common facilities for the preparation of adequate food to the needs of those persons, or both;

"house" includes—

(a) any part of a building, being a part which is occupied or intended to be occupied as a separate dwelling, and in particular includes a flat, and

(b) includes also any yard, garden, outhouses and pertinents belonging to the house or usually enjoyed with it;

[[F289]"housing activities" has the same meaning as in subsection (1);**]**

[[F285]"insurance company" has the same meaning as in subsection (1);**]**

"local authority" means **[**[F290]a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]**;

"mortgage" means a heritable security and "mortgagee" means a creditor in such a security;

"new town corporation" means a development corporation within the meaning of the [M21]New Towns (Scotland) Act 1968;

[F291] . . . . . .

[[F285]"trustee savings bank" has the same meaning as in subsection (1).**]**

[F292](3) . . . . . .

Textual Amendments

F273 S. 106(1): definitions repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))

F274 Words substituted by Banking Act 1987 (c. 22, SIF 10), s. 108(1), **Sch. 6 para. 22**

F275 S. 106(1): definition of "housing activities"repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)-(4))

F276 S. 106(1): words in definition of "local authority"inserted (1.4.1996) by 1994 c. 19, s. 22(2), **Sch. 8 para. 6(2)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F277 S. 106(1): words in definition of "local authority"substituted (1.10.1994 for specified purposes, 1.4.1995 otherwise) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 59(a)**; S.I. 1994/2025, **art. 6(2)(e)**; S.I. 1994/3262, art. 4(1), **Sch.**

F278 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

F279 Words in s. 106 inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 69(a)**; S.I. 2009/3318, art. 2(c)

F280 S. 106(1): words in definition of "local authority"inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 43** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(h)**

F281 S. 106(1): words in definition of "local authority"added (1.10.1994 for specified purposes, 1.4.1995 otherwise) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 59(b)**; S.I. 1994/2025, **art. 6(2)(e)**; S.I. 1994/3262, art. 4(1), **Sch.**

F282 Words in s. 106 inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 69(b)**; S.I. 2009/3318, art. 2(c)

F283 Words in s. 106(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 169**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 48)

F284 Words in s. 106(1) omitted (E.W.) (1.12.2008) by virtue of The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002), art. 1(2), Sch. 1 para. 35, **Sch. 3** (with Sch. 2) (see S.I. 2008/3068, art. 2(1)(b))

F285 S. 106(1): definitions repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. II** (with art. 4(2)(3))

F286 Words in s. 106(2) omitted (1.10.2009) by virtue of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 63(4)** (with art. 10)

F287 Definition repealed (S.) by Housing (Scotland) Act 1986 (c. 65, SIF 61), s. 25(2), **Sch. 3**

F288 Words in s. 106(2) substituted (S.) (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), **sch. 12 para. 47** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F289 S. 106(1): definition of "housing activities"repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. II** (with art. 4(2)-(4))

F290 S. 106(2): words in definition of "local authority"substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 143(4)**; S.I. 1996/323, **art. 4(1)(b)(c)**

F291 Definition in s. 106(2) repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**, S.S.I. 2001/336, art. 2, **Sch. Pt. II** (subject to transitional provisions and savings in art. 3)

F292 S. 106(3) repealed (S.) (1.11.2001) by 2001 asp. 10, s. 112, Sch. 10 para. 11(4), S.S.I. 2001/336, art. 2, **Sch. Pt. II** (subject to transitional provisions and savings in art. 3)

Modifications etc. (not altering text)

C32 S. 106(1) amended (1.1.1993) by S.I. 1992/3218, reg. 82(1), **Sch. 10 Pt. I para. 20**.
S. 106(1) amended (1.7.1994) by S.I. 1994/1696, reg. 68(1), **Sch. 8 Pt. I para. 11**

Marginal Citations

M13 1963 c. 16.
M14 1985 c. 6.
M15 1974 c. 46.
M16 1982 c. 50.
M17 1985 c. 51.
M18 1981 c. 64.
M19 1981 c. 65.
M20 1980 c. 65.
M21 1968 c. 16.

Final provisions

107 Short title, commencement and extent.

(1) This Act may be cited as the Housing Associations Act 1985.

(2) This Act comes into force on 1st April 1986.

(3) The following provisions of this Act apply to England and Wales only—

section 2,
. . . . . F293
section 8(2) and (3),
sections 11 and 12,
section **[**F294 17(4)**]**,
section 18,
section 20,
section 31,
sections 34 to 36,
section 38,
. . . . . F295
. . . . . F295
section 58,
section 67,
section 69(3),
section 81,

sections 84 and 85,
section 103,
[[F296]section 105,**]**
Schedules 2 and 3,
In Schedule 4, Part I,
In Schedule 5, Part I, paragraphs 1 and 2 of Part III and paragraph 1 of Part V.

(4) The following provisions of this Act apply to Scotland only—
[[F297] . . . . . [F298]
section 15A**]**
section 59,
section 66,
section 68,
section 69(4),
section 86,
In Schedule 4, Part III,
In Schedule 5, Part II, paragraphs 3 and 4 of Part III, Part IV and Part VII.

(5) This Act does not extend to Northern Ireland.

Textual Amendments

F293 Entry repealed by Housing Act 1988 (c. 50, SIF 61), s. 140(1), **Sch. 18**
F294 "17(4)" repealed (S.) by Housing (Scotland) Act 1986 (c. 65, SIF 61), s. 25(2), **Sch. 3**
F295 Entry repealed by Housing Act 1988 (c.50, SIF 61), s. 140(2), **Sch. 18**
F296 Words repealed (S.) by Housing (Scotland) Act 1986 (c. 65, SIF 61), s. 25(2), **Sch. 3**
F297 Words inserted (S.) by Housing (Scotland) Act 1986 (c. 65, SIF 61), s. 25(1), **Sch. 2 para. 4(8)**(*b*)
F298 Words repealed by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**

SCHEDULES

SCHEDULE 1

Sections 6, 9.

GRANT-AIDED LAND

Definition of "grant-aided land"

1 For the purposes of **[**[F299]section 9(1A)**]** (control [F300]. . . of dispositions of land by unregistered housing associations) "grant-aided land" means land—

(a) in respect of which a payment of a description specified in paragraph 2 falls or fell to be made in respect of a period ending after 24th January 1974, or

(b) on which is, or has been, secured a loan of a description specified in paragraph 3 in respect of which a repayment (by way of principal or interest or both) falls or fell to be made after 24th January 1974.

Textual Amendments

F299 Words in Sch. 1 para. 1 substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(35)**

F300 Words in Sch. 1 para. 1 repealed (1.11.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. VI**; S.I. 1998/2244, **art. 5**

Payments

2 The payments referred to in paragraph 1(a) are—

(a) payments by way of annual grants or exchequer contributions under—

section 31(3) of the [M22]Housing Act 1949,

section 19(3) of the [M23]Housing (Scotland) Act 1949, or

section 121(3) of the [M24]Housing (Scotland) Act 1950

(arrangements by local authorities for improvement of housing accommodation);

(b) payments by way of annual grants or exchequer contributions under—

section 12(1) or 15 of the [M25]Housing (Financial Provisions) Act 1958,

section 89(1) of the Housing (Scotland) Act 1950,

section 12 of the [M26]Housing (Scotland) Act 1962, or

section 21 of the [M27]Housing (Financial Provisions) (Scotland) Act 1968

(contributions for dwellings improved under arrangements with local authorities or grants for hostels);

(c) payments by way of annual grant or exchequer contributions under—

section 12(6) of the [M28]Housing Subsidies Act 1967,

section 121 of the Housing (Scotland) Act 1950,

section 62 of the [M29]Housing Act 1964, or

section 17 of the Housing (Financial Provisions) (Scotland) Act 1968

(subsidies for conversions or improvements by housing associations);

(d) payments by way of annual grant under—

section 21(8) of the [M30]Housing Act 1969 (contributions for dwellings provided or improved by housing associations under arrangements with local authorities);

(e) payments by way of subsidy under—

section 72, 73, 75 or 92 of the [M31]Housing Finance Act 1972,

section 52, 53, 55 or 57 of the [M32]Housing (Financial Provisions) (Scotland) Act 1972, or

Parts I, II, VI and VII of Schedule 5 to this Act (basic or special residual subsidy, new building or improvement subsidy, hostel subsidy).

Marginal Citations

M22 1949 c. 60.
M23 1949 c. 61.
M24 1950 c. 34.
M25 1958 c. 42.
M26 1962 c. 28.
M27 1968 c. 31.
M28 1967 c. 29.
M29 1964 c. 56.
M30 1969 c. 33.
M31 1972 c. 47.
M32 1972 c. 46.

Loans

3 The loans referred to in paragraph 1(b) are—

(a) loans under—

section 119 of the [M33]Housing Act 1957,

section 152 of the [M34]Housing (Scotland) Act 1966,

section 58 of this Act, or

section 59 of this Act

(powers of certain local authorities to promote and assist housing associations);

(b) loans to housing associations under—

section 47 of the [M35]Housing (Financial Provisions) Act 1958,

section 78 of the [M36]Housing (Scotland) Act 1950,

section 24 of the [M37]Housing (Financial Provisions) (Scotland) Act 1968,

section 67 of this Act, or

section 68 of this Act

(loans by Public Works Loan Commissioners to certain bodies);

(c) advances made under—

section 7 of the [M38]Housing Act 1961,

section 11 of the [M39]Housing (Scotland) Act 1962, or

section 23 of the Housing (Financial Provisions) (Scotland) Act 1968

(advances to housing associations providing housing accommodation for letting);

(d) loans under—

section 2 of the [M40]Housing Act 1964
(loans by Housing Corporation to housing associations).

Marginal Citations

M33 1957 c. 56.
M34 1966 c. 49.
M35 1958 c. 42.
M36 1950 c. 34.
M37 1968 c. 31.
M38 1961 c. 65.
M39 1962 c. 28.
M40 1964 c. 56.

[F301]SCHEDULE 2

. . . . . .

Textual Amendments

F301 Sch. 2 repealed (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.)

[F306]SCHEDULE 3

. . . . . .

Textual Amendments

F306 Sch. 3 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (with transitional provisions and savings in Sch.); and repealed (S.) (1.10.1996) by virtue of S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. II** (with art. 4(2)(3))

Status: *Point in time view as at 01/04/2014.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

SCHEDULE 4

Sections 69, 70.

HOUSING ASSOCIATIONS: CONTINUATION OF ARRANGEMENTS UNDER REPEALED ENACTMENTS

PART I

ARRANGEMENTS WITH LOCAL AUTHORITIES FOR PROVISION OR IMPROVEMENT OF HOUSING

(ss. 120 and 121 of the Housing Act 1957)

1 Arrangements between a local authority and a housing association under section 120 of the [M49]Housing Act 1957 (arrangements for provision of housing) which were made before 10th August 1972 and are in force immediately before the commencement of this Act remain in force under this paragraph.

Marginal Citations

M49 1957 c. 56.

2 Arrangements between a local authority and a housing association under section 121 of the Housing Act 1957 (arrangements for improvement or conversion of housing) which were made before 1st April 1975 and are in force immediately before the commencement of this Act remain in force under this paragraph.

PART II

SUBSIDY AGREEMENTS WITH LOCAL AUTHORITIES

(s. 79 of the Housing Finance Act 1972 and s. 59 of the Housing (Financial Provisions) (Scotland) Act 1972)

1 In this Part "subsidy agreement" means an agreement made between a local authority and a housing association which provides for payments to be made under or by reference to any of the following enactments—

section 2 of the [M50]Housing (Financial Provisions) Act 1924,

section 29(1) of the [M51]Housing Act 1930,

section 27(3) of the [M52]Housing Act 1935,

section 26 of the [M53]Housing (Scotland) Act 1935,

section 94(3) of the [M54]Housing Act 1936,

section 87(1) of the [M55]Housing (Scotland) Act 1950,

section 1(2)(b) of the [M56]Housing Subsidies Act 1956,

section 2, 3 or 4 of the [M57]Housing and Town Development (Scotland) Act 1957,

section 1(2)(b) of the [M58]Housing (Financial Provisions) Act 1958,

section 1(2) of the [M59]Housing Act 1961,

section 2, 4, 5, 6 or 7 of the [M60]Housing (Scotland) Act 1962,

section 1(5) or 9(4) of the [M61]Housing Subsidies Act 1967,

Status: *Point in time view as at 01/04/2014.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

section 2, 4, 6, 7, 9 or 10 of the [M62]Housing (Financial Provisions) (Scotland) Act 1968,

(being enactments with respect to which it was provided by the [M63]Housing Finance Act 1972 or the [M64]Housing (Financial Provisions) (Scotland) Act 1972 that no further payments were to be made for 1972-73 or any subsequent year).

Marginal Citations

M50 1924 c. 35.
M51 1930 c. 39.
M52 1935 c. 40.
M53 1935 c. 41.
M54 1936 c. 51.
M55 1950 c. 34.
M56 1956 c. 33.
M57 1957 c. 38.
M58 1958 c. 42.
M59 1961 c. 65.
M60 1962 c. 28.
M61 1967 c. 29.
M62 1968 c. 31.
M63 1972 c. 47.
M64 1972 c. 46.

2 Where a subsidy agreement provides for the payment of greater amounts than those which the authority would have been obliged to pay under the relevant enactment, the authority shall continue to pay to the housing association sums equal to the difference between the amounts for the payment of which the agreement provides and the amounts which they would have been obliged to pay by that enactment.

PART III

SPECIAL ARRANGEMENTS WITH THE SECRETARY OF STATE IN SCOTLAND

(s.1(1)(d) of the Housing (Scotland) Act 1962; s.1(2)(d) of the Housing (Financial Provisions) (Scotland) Act 1968)

Arrangements made between the Secretary of State and a housing association under section 1(1)(d) of the Housing (Scotland) Act 1962 or section 1(2)(d) of the Housing (Financial Provisions) (Scotland) Act 1968 (special arrangements for provision of housing) which were made before 3rd August 1972 and are in force immediately before the commencement of this Act remain in force under this paragraph.

Status: *Point in time view as at 01/04/2014.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

SCHEDULE 5

Sections 69, 71.

HOUSING ASSOCIATION FINANCE: SUPERSEDED SUBSIDIES, CONTRIBUTIONS AND GRANTS

PART I

RESIDUAL SUBSIDIES: ENGLAND AND WALES

Modifications etc. (not altering text)
C33 Sch. 5 Pt. I modified by Housing Act 1988 (c. 50, SIF 61), 57(c)

(ss. 72 and 73 of the Housing Finance Act 1972) Entitlement to residual subsidies

1 (1) Basic residual subsidy is payable to a housing association in accordance with the following provisions where the association received payments from the Secretary of State for the financial year 1971-72 under certain enactments under which, in accordance with the [M65]Housing Finance Act 1972, no payments were to be made for 1972-73 or any subsequent year.

(2) A housing association is entitled to basic residual subsidy for a financial year if—

(a) it was entitled to basic residual subsidy under section 72 of the Housing Finance Act 1972 for the financial year 1972-73, and

(b) it has continued to be entitled to basic residual subsidy, under that section or this Schedule, for each succeeding financial year up to and including that immediately before the year in question.

(3) The amount of basic residual subsidy payable to an association for any year is the amount (if any) by which the basic residual subsidy payable for the previous year exceeds the withdrawal factor.

(4) Subject to any direction of the Secretary of State under paragraph 4(2), the withdrawal factor is the sum produced by multiplying £20 by the number of dwellings as at 31st March 1972 in respect of which the association's subsidies for 1971-72 (as defined in section 72(4) of the Housing Finance Act 1972) were payable.

Marginal Citations
M65 1972 c. 47.

2 (1) Special residual subsidy is payable to a housing association in accordance with the following provisions in respect of dwellings which—

(a) were approved by the Secretary of State for the purposes of Part I of the [M66]Housing Subsidies Act 1967 before 10th August 1972, and

(b) were completed during the year 1972-73, 1973-74 or 1974-75.

(2) A housing association is entitled to special residual subsidy for a financial year if—

(a) it was entitled by virtue of section 73 of the Housing Finance Act 1972 to special residual subsidy for any of the years 1972-73, 1973-74 or 1974-75, and

Status: *Point in time view as at 01/04/2014.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

(b) it has continued to be entitled to special residual subsidy, under that section or this Schedule, for each succeeding financial year up to and including that immediately before the year in question.

(3) The amount of special residual subsidy payable to an association for any year is the amount (if any) by which the special residual subsidy payable for the previous year exceeds the reduction factor.

(4) Subject to any direction of the Secretary of State under paragraph 4(2), the reduction factor is the sum produced by multiplying £20 by the number of dwellings satisfying the description in sub-paragraph (1).

Marginal Citations
M66 1967 c. 29.

3 No basic or special residual subsidy is payable to a co-operative housing association.

Power to vary withdrawal factor or reduction factor

4 (1) This paragraph applies where a housing association, by furnishing to the Secretary of State such information as to its financial position as he may require, satisfies him as regards any financial year that its income from its dwellings will be, or was, inadequate having regard to its normal sources of income to meet such expenditure (including loan charges) as in his opinion it would be, or was, reasonable for the association to incur for that financial year in the exercise of its housing functions.

(2) Where this paragraph applies, the Secretary of State may direct that the amount of basic residual subsidy or special residual subsidy payable to the association for the financial year in question shall be determined—

(a) by reference to a withdrawal factor or reduction factor calculated by reference to a smaller sum of money per dwelling than that mentioned in paragraph 1(4) or 2(4), or

(b) by reference to a withdrawal factor or reduction factor of zero.

(3) A direction under this paragraph may be varied or revoked by the Secretary of State by a further direction.

(4) In sub-paragraph (1) "housing functions" means—

(a) constructing or improving, or facilitating or encouraging the construction or improvement, of dwellings,

(b) managing dwellings,

(c) the provision of dwellings by conversion, and

(d) the acquisition of dwellings;

and includes functions which are supplementary or incidental to any of those functions.

(5) For the purposes of this paragraph "loan charges", in relation to money borrowed by an association, means—

(a) the sums required for the payment of interest on the money and for its repayment, either by instalments or by means of a sinking fund, and

(b) the expenses of managing the debt,

and includes any such charges made by the association itself, whether in respect of borrowing from a capital fund kept by the association or in respect of borrowing between accounts kept by the association for different functions, or otherwise.

Administrative provisions

5 (1) Payment of basic or special residual subsidy is subject to the making of a claim for the payment in such form, and containing such particulars, as the Secretary of State may from time to time determine.

(2) The amount of basic or special residual subsidy payable to a housing association for a financial year shall be calculated to the nearest pound by rounding up any odd amount of 50p or more and rounding down any lesser amount.

(3) Basic or special residual subsidy is payable . . . [F309] subject to such conditions as to records, certificates, audit or otherwise as the Secretary of State may, . . . [F309], impose.

Textual Amendments

F309 Words repealed by Housing Act 1988 (c. 50, SIF 61), ss. 59(2)(3)(4), 140(2), Sch. 6 Pt. II para. 30(1)(a), **Sch. 18**

Powers exercisable in case of disposal of dwellings by association

6 (1) The Secretary of State may reduce, suspend or discontinue the payment of basic or special residual subsidy to an association if the association leases for a term exceeding seven years or otherwise disposes of any of the dwellings in respect of which the association is entitled to the payment.

(2) If any dwellings of an association are leased for a term exceeding seven years to, or become vested in—

(a) another housing association, or trustees for another housing association, **[**[F310]or

(b) the Housing Corporation [F311]. . .,**]**

the Secretary of State may pay to them any basic or special residual subsidy which he would otherwise have paid to the former association for any financial year, beginning with that in which the dwellings are so leased or become so vested.

(3) For the purposes of this paragraph a lease shall be treated as being for a term exceeding seven years where the original term is for a lesser period but the lease confers on the lessee an option for renewal for a term which, together with the original term, exceeds seven years.

Textual Amendments

F310 Sch. 5, Part 1, para. 6(2)(b) and preceding word repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), **Sch. 2 para. 56(2)**.

F311 Words in Sch. 5 Pt. I para. 6(2)(b) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 52, **Sch. 18 Pt. VI**; S.I. 1998/2244, **art. 5**

Status: *Point in time view as at 01/04/2014.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

Saving for financial years beginning before the commencement of this Act

7 (1) The preceding provisions apply in relation to the financial year 1986-87 and subsequent financial years.

(2) The repeal by the [M67]Housing (Consequential Provisions) Act 1985 of the provisions of the [M68]Housing Finance Act 1972 relating to basic and special residual subsidies does not affect the operation of those provisions in relation to previous financial years.

Marginal Citations
M67 1985 c. 71.
M68 1972 c. 47.

PART II

RESIDUAL SUBSIDIES: SCOTLAND

Modifications etc. (not altering text)
C34 Sch. 5 Pt. II paras. 1–7 modified by Housing Act 1988 (c. 50, SIF 61), **s. 57(c)**

(ss. 52 and 53 of the Housing (Financial Provisions) (Scotland) Act 1972) Entitlement to residual subsidies

1 (1) Basic residual subsidy is payable to a housing association in accordance with the following provisions where the association received payments from the Secretary of State for the financial year 1971-72 under certain enactments under which, in accordance with the [M69]Housing (Financial Provisions) (Scotland) Act 1972, no payments were to be made for 1972-73 or any subsequent year.

(2) A housing association is entitled to basic residual subsidy for a financial year if—
(a) it was entitled to basic residual subsidy under section 52 of the Housing (Financial Provisions) (Scotland) Act 1972 for the financial year 1972-73, and
(b) it has continued to be entitled to basic residual subsidy, under that section or this Schedule, for each succeeding financial year up to and including that immediately before the year in question.

(3) The amount of basic residual subsidy payable to an association for any year is the amount (if any) by which the basic residual subsidy payable for the previous year exceeds the withdrawal factor.

(4) Subject to any direction of the Secretary of State under paragraph 4(2), the withdrawal factor is the sum produced by multiplying £20 by the number of houses as at 31st March 1972 in respect of which the association's subsidies for 1971-72 (as defined in section 52(4) of the Housing (Financial Provisions) (Scotland) Act 1972) were payable.

Modifications etc. (not altering text)
C35 Sch. 5 Pt. II paras. 1–7 modified by Housing Act 1988 (c. 50, SIF 61), **s. 57(c)**

Marginal Citations
M69 1972 c. 46.

2 (1) Special residual subsidy is payable to a housing association in accordance with the following provisions in respect of houses—

(a) the erection of which was approved by the Secretary of State for the purposes of sections 1 to 12 of the [M70]Housing (Financial Provisions) (Scotland) Act 1968 before 3rd August 1972, and

(b) which were completed by the association during the year 1972-73, 1973-74 or 1974-75.

(2) A housing association is entitled to special residual subsidy for a financial year if—

(a) it was entitled by virtue of section 53 of the [M71]Housing (Financial Provisions) (Scotland) Act 1972 to special residual subsidy for any of the years 1972-73, 1973-74 or 1974-75, and

(b) it has continued to be entitled to special residual subsidy, under that section or this Schedule, for each succeeding financial year up to and including that immediately before the year in question.

(3) The amount of special residual subsidy payable to an association for any year is the amount (if any) by which the special residual subsidy payable for the previous year exceeds the reduction factor.

(4) Subject to any direction of the Secretary of State under paragraph 4(2), the reduction factor is the sum produced by multiplying £20 by the number of houses satisfying the description in sub-paragraph (1).

Modifications etc. (not altering text)
C36 Sch. 5 Pt. II paras. 1–7 modified by Housing Act 1988 (c. 50, SIF 61), **s. 57(c)**

Marginal Citations
M70 1968 c. 31.
M71 1972 c. 46.

3 No basic or special residual subsidy is payable to a co-operative housing association.

Modifications etc. (not altering text)
C37 Sch. 5 Pt. II paras. 1–7 modified by Housing Act 1988 (c. 50, SIF 61), **s. 57(c)**

Power to vary withdrawal factor or reduction factor

4 (1) This paragraph applies where a housing association, by furnishing to the Secretary of State such information as to its financial position as he may require, satisfies him as regards any financial year that its income from its houses will be, or was, inadequate

having regard to its normal sources of income to meet such expenditure (including loan charges) as in his opinion it would be, or was, reasonable for the association to incur for that financial year in the exercise of its housing functions.

(2) Where this paragraph applies, the Secretary of State may direct that the amount of basic residual subsidy or special residual subsidy payable to the association for the financial year in question shall be determined—

(a) by reference to a withdrawal factor or reduction factor calculated by reference to a smaller sum of money per house than that mentioned in paragraph 1(4) or 2(4), or

(b) by reference to a withdrawal factor or reduction factor of zero.

(3) A direction under this paragraph may be varied or revoked by the Secretary of State by a further direction.

(4) In sub-paragraph (1) "housing functions" means—

(a) constructing or improving, or facilitating the construction or improvement, of houses,

(b) managing houses,

(c) the provision of houses by conversion, and

(d) the acquisition of houses;

and includes functions which are supplementary or incidental to any of those functions.

(5) For the purposes of this paragraph "loan charges", in relation to money borrowed by an association includes loan charges made by the association itself (including charges for debt management), whether in respect of borrowing from a capital fund kept by the association or in respect of borrowing between accounts kept by the association for different functions, or otherwise.

Modifications etc. (not altering text)

C38 Sch. 5 Pt. II paras. 1–7 modified by Housing Act 1988 (c. 50, SIF 61), **s. 57(c)**

Administrative provisions

5 (1) Payment of basic or special residual subsidy is subject to the making of a claim for the payment in such form, and containing such particulars, as the Secretary for State may from time to time determine.

(2) The amount of basic or special residual subsidy payable to a housing association for a financial year shall be calculated to the nearest pound by rounding up any odd amount of 50p or more and rounding down any lesser amount.

(3) Basic or special residual subsidy is payable . . . [F312] subject to such conditions as to records, certificates, audit or otherwise as the Secretary of State may, . . . [F312], impose.

Textual Amendments

F312 Words repealed by Housing Act 1988 (c. 50, SIF 61), ss. 59(2)(3)(4), 140(2), Sch. 6 Pt. II para. 30(2), **Sch. 18**

Modifications etc. (not altering text)
C39 Sch. 5 Pt. II paras. 1–7 modified by Housing Act 1988 (c. 50, SIF 61), **s. 57(c)**

Powers exercisable in case of disposal of houses by association

6 (1) The Secretary of State may reduce, suspend or discontinue the payment of basic or special residual subsidy to a housing association if the association leases for a term exceeding seven years or otherwise disposes of any of the houses in respect of which the association is entitled to the payment.

(2) If any houses of an association are leased for a term exceeding seven years to, or become vested in—

(a) another housing association, or trustees for another housing association, or

(b) the Housing Corporation,

the Secretary of State may pay to that association or to the Corporation any basic or special residual subsidy which he would otherwise have paid to the former association for any financial year, beginning with that in which the houses are so leased or become so vested.

(3) For the purposes of this paragraph a lease shall be treated as being for a term exceeding seven years where the original term is for a lesser period but the lease confers on the lessee an option for renewal for a term which, together with the original term, exceeds seven years.

Modifications etc. (not altering text)
C40 Sch. 5 Pt. II paras. 1–7 modified by Housing Act 1988 (c. 50, SIF 61), **s. 57(c)**

Saving for financial years beginning before the commencement of this Act

7 (1) The preceding provisions apply in relation to the financial year 1986-87 and subsequent financial years.

(2) The repeal by the [M72]Housing (Consequential Provisions) Act 1985 of the provisions of the [M73]Housing (Financial Provisions) (Scotland) Act 1972 relating to basic and special residual subsidies does not affect the operation of those provisions in relation to previous financial years.

Modifications etc. (not altering text)
C41 Sch. 5 Pt. II paras. 1–7 modified by Housing Act 1988 (c. 50, SIF 61), **s. 57(c)**

Marginal Citations
M72 1985 c. 71.
M73 1972 c. 46.

Status: *Point in time view as at 01/04/2014.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

PART III

CONTRIBUTIONS AND GRANTS UNDER ARRANGEMENTS WITH LOCAL AUTHORITIES

(s. 12 of the Housing (Financial Provisions) Act 1958; s. 12 of the Housing Subsidies Act 1967; s. 21 of the Housing Act 1969)

1 (1) Contributions by the Secretary of State in connection with arrangements made under section 121 of the [M74]Housing Act 1957 (arrangements between housing associations and local authorities for improvement of housing) remain payable—

(a) under section 12 of the [M75]Housing (Financial Provisions) Act 1958 and section 12 of the [M76]Housing Subsidies Act 1967 as regards arrangements made before 25th August 1969, and

(b) under section 21 of the [M77]Housing Act 1969 as regards arrangements made on or after that date and approved under subsection (2) of that section before 1st April 1975.

(2) The contributions are payable at such times and in such manner as the Treasury may direct, and subject to such conditions, as to records, certificates, audit or otherwise as the Secretary of State may, with the approval of the Treasury, impose.

(3) Where such a contribution is paid to a local authority, the authority shall pay to the housing association by way of annual grant an amount not less than the contribution.

Marginal Citations

M74 1957 c. 56.
M75 1958 c. 42.
M76 1967 c. 29.
M77 1969 c. 33.

2 If the Secretary of State is satisfied, in the case of contributions payable under section 12 of the Housing (Financial Provisions) Act 1958, that the housing association have made default in giving effect to the terms of the arrangements, he may, as he thinks just—

(a) reduce the amount of the contribution payable to the local authority, or

(b) suspend or discontinue the payment;

and the local authority may reduce to a proportionate or any less extent the annual grant payable by them to the association or, as the case may be, suspend the payment for a corresponding period or discontinue the payment.

(s. 17 of the Housing (Financial Provisions) (Scotland) Act 1968)

3 (1) Contributions by the Secretary of State under section 17 of the [M78]Housing (Financial Provisions) (Scotland) Act 1968 remain payable in connection with arrangements made under section 121 of the [M79]Housing (Scotland) Act 1950 or section 155 of the [M80]Housing (Scotland) Act 1966 (arrangements between housing associations and local authorities for improvement of housing) and approved on or after 16th August 1964 and before 1st April 1975.

(2) The contributions are payable at such times and in such manner as the Treasury may direct, and subject to such conditions as to records, certificates, audit or otherwise as the Secretary of State may, with the approval of the Treasury, impose.

(3) Where such a contribution is paid to a local authority, the authority shall pay to the housing association by way of annual grant an amount not less than the contribution.

Marginal Citations

M78 1968 c. 31.
M79 1950 c. 34.
M80 1966 c. 49.

4 (1) The Secretary of State may, in any of the circumstances mentioned in sub-paragraph (2), reduce the amount of the contributions in respect of a particular subsidised unit, or suspend or discontinue the payment of the contributions, or part of them, as he thinks just in the circumstances.

(2) The circumstances referred to in sub-paragraph (1) are—

(a) that the housing association has made default in giving effect to the terms of the arrangements with the local authority, or

(b) that the subsidised unit has been converted, demolished or destroyed, is not fit to be used or has ceased to be used for the purpose for which it was intended, has been sold or leased for a stipulated duration exceeding twelve months or has been transferred, whether by sale or otherwise.

(3) The local authority may reduce to a corresponding or less extent the annual grant payable by them to the association, or, as the case may be, suspend payment of the whole or a corresponding part of the payment for a corresponding period, or discontinue the payment or a corresponding part.

PART IV

CONTRIBUTIONS UNDER ARRANGEMENTS WITH THE SECRETARY OF STATE IN SCOTLAND

(s. 16 of the Housing (Financial Provisions) (Scotland) Act 1968)

1 (1) Contributions by the Secretary of State under section 16 of the Housing (Financial Provisions) (Scotland) Act 1968 remain payable in connection with arrangements made under—

section 14 of the [M81]Housing (Scotland) Act 1962, or

section 154 of the Housing (Scotland) Act 1966,

(arrangements between Secretary of State and housing associations) and approved before 1st April 1975.

(2) The Secretary of State may, in any of the circumstances mentioned in sub-paragraph (3), reduce the amount of the contributions in respect of a particular subsidised unit, or suspend or discontinue the payment of the contributions, or part of them, as he thinks just in the circumstances.

(3) The circumstances referred to in sub-paragraph (2) are—

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Changes to legislation: *There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

(a) that the housing association has made default in giving effect to the terms of the arrangements, or

(b) the subsidised unit has been converted, demolished or destroyed, is not fit to be used or has ceased to be used for the purpose for which it was intended, has been sold or leased for a stipulated duration exceeding twelve months or has been transferred, whether by sale or otherwise.

Marginal Citations
M81 1962 c. 28.

PART V

SCHEMES FOR THE UNIFICATION OF GRANT CONDITIONS

(s. 123 of the Housing Act 1957; s. 157 of the Housing (Scotland) Act 1966)

1 A scheme under section 123 of the [M82]Housing Act 1957 (schemes for the unification of divergent grant conditions affecting the management of a housing association's houses) which was made before 10th August 1972 and is in force immediately before the commencement of this Act remains in force under this paragraph.

Marginal Citations
M82 1957 c. 56.

2 A scheme under section 157 of the [M83]Housing (Scotland) Act 1966 (schemes for the unification of divergent grant conditions affecting the management of a housing association's houses) which was made before 3rd August 1972 and is in force immediately before the commencement of this Act remains in force under this paragraph.

Marginal Citations
M83 1966 c. 49.

PART VI

NEW BUILDING SUBSIDY AND IMPROVEMENT SUBSIDY

(s. 75 of the Housing Finance Act 1972; ss. 55 and 57 of the Housing (Financial Provisions) (Scotland) Act 1972)

1 (1) The following subsidies remain payable in respect of building schemes or improvement schemes approved by the Secretary of State before 1st April 1975—

(a) new building subsidy under section 75 of the [M84]Housing Finance Act 1972 or section 55 of the [M85]Housing (Financial Provisions) (Scotland) Act 1972, and

(b) improvement subsidy under section 57 of the Housing (Financial Provisions) (Scotland) Act 1972.

(2) Payment of the subsidy is subject to the making of a claim for the payment in such form, and containing such particulars as the Secretary of State may from time to time determine.

(3) The amount of the subsidy payable for a financial year shall be calculated to the nearest pound by rounding up any odd amount of 50p or more and rounding down any lesser amount.

(4) The subsidy is payable at such times and in such manner as the Treasury may direct, and subject to such conditions as to records, certificates, audit or otherwise as the Secretary of State may, with the approval of the Treasury, impose.

Marginal Citations

M84 1972 c. 47.

M85 1972 c. 46.

2 (1) The Secretary of State may make reduced payments of subsidy, or suspend or discontinue such payments, if—

(a) he made his approval of the scheme subject to conditions and is satisfied that any of the conditions has not been complied with, or

(b) he is satisfied that a dwelling comprised in the scheme has been converted, demolished or destroyed, is not fit to be used or is not being used for the purpose for which it was intended, has been sold or leased for a term exceeding seven years or has ceased for any reason whatsoever to be vested in the association or trustees for the association.

(2) If any of the dwellings comprised in the scheme become vested in, or are leased for a term exceeding seven years to—

(a) a housing association, or trustees for a housing association other than the association which received approval for the scheme, **[**[F313]or

(b) the Housing Corporation,**]**

the Secretary of State may, for any year beginning with that in which they come to be so vested or are so leased, pay them the whole or any part of the subsidy which he would otherwise have paid to the association which received approval for the scheme.

(3) For the purposes of this paragraph a dwelling shall be treated as leased for a term exceeding seven years if it is leased for a lesser term by a lease which confers on the lessee an option for renewal for a term which, together with the original term, exceeds seven years.

Textual Amendments

F313 Sch. 5, Part 6, para. 2(2)(b) and preceding word repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), **Sch. 2 para. 56(3)**.

Status: *Point in time view as at 01/04/2014.*
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3 (1) Where a housing association satisfies the Secretary of State, by furnishing him with such information as to its financial position as he may require, that the amount of new building subsidy for a year will be, or was, inadequate having regard to its normal sources of income to enable it to meet such expenditure (including loan charges) as in his opinion it would be, or was, reasonable for it to incur for that year in the exercise of its housing functions, he may direct that for that year the percentage of the initial deficit to be met by subsidy shall be greater than that otherwise applicable.

(2) The percentage shall not, however, be greater than 90 per cent. or the percentage met by subsidy for the immediately preceding year, whichever is less.

(3) This paragraph does not apply in relation to the year of completion or the second or third year for which new building subsidy is payable.

(4) In this paragraph—

"housing functions" means constructing, improving or managing, or facilitating or encouraging the construction or improvement of dwellings, the provision of dwellings by conversion and the acquisition of dwellings, and includes functions which are supplementary or incidental to any of those functions;

"loan charges" includes any loan charges made by a housing association (including charges for debt management) whether in respect of borrowing from a capital fund kept by the association or in respect of borrowing between accounts kept by the association for different functions or otherwise.

4 (1) Where before 1st April 1976 a registered housing association made an application for housing association grant in respect of a housing project which was or included a building scheme or improvement scheme which had been previously approved for the purposes of any of the provisions mentioned in paragraph 1 and the Secretary of State gave his approval to that project for the purposes of housing association grant, no further payments of new building subsidy or improvement subsidy shall be made in respect of that approved scheme.

(2) A condition imposed by the Secretary of State in such a case by virtue of section 35(2)(b) of the [M86]Housing Act 1974, requiring the repayment of all or any of the payments of new building subsidy or improvement subsidy already paid, if in force immediately before the commencement of this Act, remains in force under this sub-paragraph.

(3) No account shall be taken under section 47(2)(b) (estimation of net cost of project for purposes of housing association grant: income to include subsidies) of payments of subsidy received which are required to be repaid in pursuance of such a condition.

Marginal Citations

M86 1974 c. 44.

PART VII

PAYMENTS IN RESPECT OF HOSTELS UNDER PRE-1974 ENACTMENTS

(s. 21 of the Housing (Financial Provisions) (Scotland) Act 1968)

1 (1) Section 21 of the [M87]Housing (Financial Provisions) (Scotland) Act 1968 (exchequer contributions for hostels) continues to have effect in relation to buildings provided or converted by a housing association which were approved by the Secretary of State for the purposes of subsection (1) of that section before 1st April 1975.

(2) A registered housing association may not make an application for housing association grant in respect of a housing project which consists of or includes the carrying out of works for the provision of hostels if before 1st April 1975 any contribution has been made under section 21 of the Housing (Financial Provisions) (Scotland) Act 1968.

(3) If in a case where sub-paragraph (2) does not prevent the making of such an application a registered housing association makes an application for housing association grant in respect of a housing project falling within that sub-paragraph and the Secretary of State gives his approval to the project for the purposes of housing association grant, section 21 of the [M88]Housing (Financial Provisions) (Scotland) Act 1968 shall cease to have effect with respect to the provision of hostels referred to in that sub-paragraph.

Marginal Citations

M87 1968 c. 31.

M88 1968 c. 31.

SCHEDULE 6

F314 . . . . . .

Textual Amendments

F314 Sch. 6 repealed (E.W.) (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

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Changes to legislation: *There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

SCHEDULE 7

Section 82.

POWERS EXERCISABLE WHERE LOAN OUTSTANDING UNDER SECTION 2 OF THE HOUSING ACT 1964

Modifications etc. (not altering text)

C42 Sch. 7: transfer of functions (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2** (see S.I. 2008/3068, art. 2(1)(b))

C43 Sch. 7 modified (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

Introductory

[F315 1 This Schedule applies where—

(a) the Housing Corporation made a loan to a housing association under section 2 of the Housing Act 1964 before the repeal of that section by the Housing (Consequential Provisions) Act 1985,

(b) the Housing Corporation's rights and obligations in respect of the loan have been transferred to the Regulator of Social Housing, and

(c) the loan has not been repaid.]

Textual Amendments

F315 Sch. 7 para. 1 substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 57(2)** (with art. 6, Sch. 3)

Directions as to disposal of land securing loan

2 (1) The [F316Regulator of Social Housing] may F317... give the association directions with respect to the disposal of land belonging to the association in which the [F316Regulator of Social Housing] has an interest as mortgagee under a mortgage, or as creditor in a heritable security, entered into by the association to secure the loan.

(2) Directions so given may be varied or revoked by subsequent directions F318... .

[F319(3) The written consent of the Secretary of State is required for the giving, varying or revoking of directions by the [F320Regulator of Social Housing].]

Textual Amendments

F316 Words in Sch. 7 para. 2(1) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 57(3)** (with art. 6, Sch. 3)

F317 Words in Sch. 7 para. 2(1) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 53(2)(a), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**

F318 Words in Sch. 7 para. 2(2) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 53(2)(b), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**

F319 Sch. 7 para. 2(3) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 53(2)(c)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

F320 Words in Sch. 7 para. 2(3) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 57(4)** (with art. 6, Sch. 3)

3 Where the **[**[F321]Regulator of Social Housing**]** proposes to give a housing association directions under paragraph 2 requiring the association to transfer to the **[**[F321]Regulator of Social Housing**]** the association's interest in any land, the Secretary of State shall not consent to the giving of the directions unless he at the same time approves, or has previously approved, a scheme under paragraph 5 with respect to that land [F322]....

Textual Amendments

F321 Words in Sch. 7 para. 3 substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 57(5)(a)** (with art. 6, Sch. 3)

F322 Words in Sch. 7 para. 3 repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 57(5)(b), **Sch. 4** (with art. 6, Sch. 3)

4 **[**[F323](1)**]** Where the **[**[F324]Regulator of Social Housing**]** proposes to give directions under paragraph 2 to an association whose rules restrict membership to persons entitled or prospectively entitled (whether as tenants or otherwise) to occupy a dwelling provided or managed by the association requiring the association to transfer its interest in any such land to the **[**[F324]Regulator of Social Housing**]**, or to any other person, the Secretary of State shall not consent to the giving of the directions unless he is satisfied that arrangements have been made which, if the directions are given, will secure that the members of the association receive fair treatment in connection with the transfer.

[F325](2) . . . . . .

Textual Amendments

F323 Sch. 7 para. 4 renumbered as Sch. 7 para. 4(1) (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 53(4)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

F324 Words in Sch. 7 para. 4 substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 57(6)(a)** (with art. 6, Sch. 3)

F325 Sch. 7 para. 4(2) repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 57(6)(b), **Sch. 4** (with art. 6, Sch. 3)

Schemes for Corporation to provide housing accommodation in place of association

5 (1) If it appears to the **[**[F326]Regulator of Social Housing**]**—

(a) that the association is experiencing difficulty in providing housing accommodation on any land which it has acquired or in managing housing accommodation provided by it on any land, or is in any way failing to perform its functions as a housing association in relation to any land, and that accordingly it is undesirable for the land in question to remain in the hands of the association,

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(b) that there is no other housing association, whether in existence or about to be formed, to which the association's interest in the land in question can suitably be transferred, and

(c) that the land is capable of being, or continuing to be, used to provide housing accommodation for letting,

the **[**[F326]Regulator of Social Housing**]** may prepare and submit to the Secretary of State a scheme.

[F327](1A) . . . . . .

(2) The scheme shall be for the **[**[F328]Regulator of Social Housing**]**—

(a) to acquire the association's interest in the land,

(b) to undertake all such operations as may be required for the provision or continued provision on the land of housing accommodation for letting (including any operation which might have been carried out by a housing association in connection with the provision of housing accommodation), and

(c) to retain the accommodation and keep it available for letting so long as the scheme has not been terminated in any manner provided for in the scheme.

(3) Where such a scheme is submitted to the Secretary of State by the **[**[F329]Regulator of Social Housing**]**, the Secretary of State, on being satisfied of—

(a) the undesirability of the land remaining in the hands of the association, and

(b) the lack of any housing association to which it can suitably be transferred,

may, if he thinks fit, approve the scheme.

(4) If he does so the **[**[F330]Regulator of Social Housing**]** shall have power to acquire for the purposes of the scheme the association's interest in the land and to carry through the provisions of the scheme.

(5) A scheme approved by the Secretary of State under this paragraph may be varied from time to time in accordance with proposals in that behalf made by the **[**[F331]Regulator of Social Housing**]** and approved by the Secretary of State.

[F332](6) . . . . . .

2. The Table does not show the effect of Transfer of Functions Orders.

3. The letter R followed by a number indicates that the provision gives effect to the Recommendation bearing that number in the Law Commission's Report on the Consolidation of the Housing Acts (Cmnd. 9515).

4. A reference followed by "*passim*" indicates that the provision of the consolidation derives from passages within those referred to which it is not convenient, and does not appear necessary, to itemise.

5. The entry "drafting" indicates a provision of a mechanical or editorial nature affecting the arrangement of the consolidation; for instance, a provision introducing a Schedule or introducing a definition to avoid undue repetition of the defining words.

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TABLE OF DERIVATIONS

1. The following abbreviations are used in this Table:— Acts of Parliament

1957	=	The Housing Act 1957 (c.56).
1958 (c.42)	=	The Housing (Financial Provisions) Act 1958.
1959 (c.53)	=	The Town and Country Planning Act 1959.
1959 (c.70)	=	The Town and Country Planning (Scotland) Act 1959.
1960 (c.58)	=	The Charities Act 1960.
1961	=	The Housing Act 1961 (c.65).
1963 (c.33)	=	The London Government Act 1963.
1964	=	The Housing Act 1964 (c. 56).
1965 (c.12)	=	The Industrial and Provident Soceties Act 1965.
1965 (c.25)	=	The Finance Act 1965.
1966 (S.)	=	The Housing (Scotland) Act 1966 (c.49).
1968 (c.13)	=	The National Loans Act 1968.
1968 (S.)	=	The Housing (Financial Provisions) (Scotland) Act 1968 (c.31).
1969	=	The Housing Act 1969 (c.33).
1970 (c.10)	=	The Income and Corporation Taxes Act 1970.
1970 (c.35)	=	The Conveyancing and Feudal Reform (Scotland) Act 1970.
1972 (S.)	=	The Housing (Financial Provisions) (Scotland) Act 1972 (c. 46).
1972	=	The Housing Finance Act 1972 (c.47).

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1972 (c.70)	=	The Local Government Act 1972.
1973 (c.65)	=	The Local Government (Scotland) Act 1973.
1974	=	The Housing Act 1974 (c.44).
1975	=	The Housing Rents and Subsidies Act 1975 (c.6).
1975 (c.28)	=	The Housing Rents and Subsidies (Scotland) Act 1975.
1975 (c.55)	=	The Statutory Corporations (Financial Provisions) Act 1975.
1976 (c.75)	=	The Development of Rural Wales Act 1976.
1977 (c.42)	=	The Rent Act 1977.
1978	=	The Home Purchase Assistance and Housing Guarantee Act 1978 (c. 27).
1980 (c.43)	=	The Magistrates' Courts Act 1980.
1980	=	The Housing Act 1980 (c.51).
1980 (S.)	=	The Tenants Rights etc. (Scotland) Act 1980 (c.52)
1981 (c.64)	=	The New Towns Act 1981.
1981 (c.67)	=	The Acquisition of Land Act 1981.
1982 (c.48)	=	The Criminal Justice Act 1982.
1983 (c.29)	=	The Miscellaneous Financial Provisions Act 1983.
1984	=	The Housing and Building Control Act 1984 (c.29).
1985 (c.9)	=	The Companies Consolidation (Consequential Provisions) Act 1985.

1985 (c.51)	=	The Local Government Act 1985.
		Subordinate legislation
S.I. 1972/1204	=	The Isles of Scilly (Housing) Order 1972.
S.I. 1973/886	=	The Isles of Scilly (Housing) (No. 2) Order 1973.
S.I. 1975/374	=	The Housing Act 1974 (Commencement No. 4) Order 1975.
S.I. 1975/512	=	The Isles of Scilly (Housing) Order 1975.
S.I. 1983/664	=	The Housing Corporation Advances (Increase of Limit) Order 1983.
S.I. 1984/1803	=	The Housing Association Grant (Disposal of Dwellings) Order 1984.

Provision	**Derivation**
1(1)	1957 s. 189(1); 1964 s. 12(1); 1966 (S.) s.208(1); 1974 s. 129(1), (2), Sch. 13 para. 6.
(2)	drafting.
(3)	1974 s. 12.
2	1977 s. 2(6A); 1977 (c.42) s. 15(5); 1980 ss. 74(2), 123(7).
3	1974 s. 13(1), (7).
4(1)	1974 s. 13(1).
(2)	1974 s. 13(2).
(3)	1974 s. 13(3); 1980 s. 127(1)-(3); 1984 s. 35(4); Sch. 11 para. 27.
5(1)	1974 s. 13(1), (4), (5).
(2)	1974 s. 13(4).
(3)	1974 s. 16(1), (2).
(4)	1974 s. 13(6).
6(1)	1974 s. 15(1).
(2), (3)	1974 s. 15(2).
(4)	1974 s. 15(2A); 1980 s. 128(1)(a), (2).
(5)	1974 s. 16(1), (2).

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7(1)	1974 s. 15(3).
(2)	1974 s. 15(4).
(3)	1974 s. 16(3).
8(1)-(3)	1980 s. 122(1)-(3).
9(1)	1974 s. 2(1), (6).
(2)	1974 s. 2(1A), (1B); 1980 s. 123(2).
(3)	1974 s. 2(5A); 1980 s. 123(6), 137(1).
(4)	1974 s. 15(6); 1980 s. 128.
(5)	1974 s. 2(1).
10(1)	1974 s. 2(2), (3); 1980 s. 123(3).
(2)	1974 s. 2(3A); 1980 s. 123(4).
(3)	1974 s. 2(4); 1980 s. 123(5).
(4)	1974 s. 2(3).
11	drafting.
12	1980 s. 137(1), (2); 1984 Sch. 11 para. 28.
13(1)	1974 s. 26(1).
(2)	1974 s. 26(2); 1980 Sch. 25 para. 25.
(3)	1974 s. 26(5); 1980 Sch. 11 Part II.
14(1)	1974 s. 26(3), (4), (6); 1980 Sch. 16 Part II.
(2)	1974 s. 26(5), 1980 Sch. 16 Part II.
Provision	Derivation
15(1)	1974 s. 27(1)-(3); 1980 Sch. 16 Part II.
(2)	1974 s. 27(5)-(7); 1980 Sch. 16 Part II.
(3)	1974 s. 27(4); 1980 Sch. 16 Part II.
16(1)	1974 s. 20(2); 1970 (c.35) Sch. 3 para. 9(2); R.32.
(2), (3)	1974 s. 20(6).
(4)	1974 s. 20(6).
17(1), (2)	1974 s. 20(3).
(3)	1974 s. 20(4).
(4)	1980 Sch. 17 para. 8.
18(1)	1980 Sch. 17 paras. 4, 5.
(2)	1980 Sch. 17 para. 6(b).
(3)	1980 Sch. 17 para. 7.

19(1)	1974 s. 24(1).
(2)-(4)	1965 (c.12) s. 10; 1974 s. 24(5A); 1980 s. 132.
20(1)	1974 s. 25(1).
(2)	1960 (c.58) s. 46; 1974 s. 25(1)-(3).
21(1)-(6)	1974 s. 24(1)-(5), (6).
22(1), (2)	1974 s. 22(1), (2).
23(1)	1974 s. 23(1).
(2)	1974 s. 23(2).
(3)	1974 s. 23(3).
(4)	1974 s. 23(4).
(5)	1974 s. 23(3).
24(1)	1980 s. 124(1).
(2)	1980 s. 124(6).
(3)	1980 s. 124(2).
(4)	1980 s. 124(3).
(5)	1980 s. 124(7), 151(1), (3).
25	1980 s. 124(4).
26	1980 s. 124(5).
27(1)	1980 s. 125(1).
(2)	1980 s. 125(2); 1982 (c. 48) ss. 37(1), 46(2).
(3)	1980 s. 125(3).
(4)	1980 s. 125(4).
28(1)	1974 s. 19(1), (1A); 1980 Sch. 17 para. 1.
(2)	1974 s. 19(2); 1980 Sch. 17 paras. 2, 6(b).
(3)	1974 s. 19(3); 1975 (c. 21) ss. 289F, 289G; 1982 (c. 48) ss. 37, 46(1), 54.
(4)	1974 s. 19(5).
(5)	1974 s. 19(8); 1980 Sch. 17 para. 2.
(6)	1980 s. 155(2).
29(1)	1974 s. 19(4).
(2)	1974 s. 19(4); 1980 Sch. 17 para. 6(e).
(3)	1974 s. 19(5).
(4)	1974 s. 19(6).

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(5)	1974 s. 19(7).
Provision	Derivation
30(1)	1974 s. 20(1); 1980 Sch. 17 paras. 3(a), 6(b).
(2), (3)	1974 s. 20(6).
(4)	1974 s. 20(5); 1980 Sch. 17 para. 3(c).
(5)	1974 s. 20(1A); 1980 Sch. 17 para. 3(b).
(6)	1974 s. 20(7); 1975 (c. 21) ss. 289F, 289G; 1980 Sch. 17 para. 9; 1982 (c. 48) ss. 37, 46(1), 54.
31(1)	1974 ss. 19, 20*passim*; 1980 Sch. 17 paras. 4, 5, 6(a).
(2)	1980 Sch. 17 para. 7.
(3)	1980 Sch. 17 para. 6(c)(d).
32(1)	1974 s. 21(1).
(2)	1974 s. 21(2)(a).
(3)	1974 s. 21(2)(b).
(4)	1974 s. 21(3).
(5)	1974 s. 21(4).
33(1)	1957 s. 124; 1966 (S.) s. 158(1).
(2)	1957 s. 124; 1966 (S.) s. 158(2).
34(1), (2)	1957 s. 119(2).
35(1)	1957 s. 128(1); R.4(ii).
(2)	drafting.
36(1)	1957 s. 128(2); R.4(ii).
(2)	1957 s. 128(3); R.4(ii).
37	"appropriate registrar" 1974 s. 28; "committee" 1965 s. 74, 1974 s. 28; "co-opted member" 1974 s. 26(6), 1980 Sch. 16 Part II; drafting.
38	1974 ss. 28, 129(1); 1980 s. 133(1).
39	"mental disorder" 1974 s. 20(2)(a); "secure tenancy" 1974 s. 2(6A), 1980 s. 123(7).
40	drafting.
41(1)	1974 ss. 29(1), 29A(2); 1975 s. 6; 1975 (S.) s. 12; 1980 Sch. 18 para. 3.
(2)	1974 s. 29A(1); 1980 Sch. 18 Para. 3.

42(1)	1974 s. 29(2).
(2), (3)	1974 s. 29(2), (2A); 1980 Sch. 18 para. 1.
43	1980 s. 130(1).
44(1)	1984 s. 33(1).
(2)	1984 s. 33(2).
(3)	drafting.
45(1), (2)	1984 s. 35(1).
(3)	1984 s. 35(2).
(4)	1984 s. 35(3).
46	1974 s. 29(3).
47(1)	1974 s. 29(4).
(2), (3)	1974 s. 29(6).
(4)	1974 s. 29(8).
(5)	1974 s. 29(6A); 1980 Sch. 18 para. 2.
(6)	1974 s. 29(7).
Provision	Derivation
48(1)	1974 s. 29(5).
(2)	1974 s. 29(8).
(3)	1980 s. 130(2); S.I. 1984/1803.
(4)	1980 s. 151(1), (3).
49(1)-(4)	1974 s. 30(1); 1980 Sch. 18 para. 4.
(5)	1974 s. 30(8).
(6)	1974 s. 15(5).
50(1), (2)	1974 s. 30(2), (2A); 1980 Sch. 18 para. 5.
51(1), (2)	1974 s. 30(4), (6).
52(1)	1974 s. 30(3); 1980 Sch. 18 para. 6; 1984 s. 34(1).
(2)	1974 s. 30(3); 1980 Sch. 18 para. 6.
(3)	1984 s. 34(2).
(4)	1984 s. 34(3).
53(1)	1980 s. 131(1).
(2)	1980 s. 131(2).
(3)	1980 s. 131(3).
(4)	1980 s. 131(3), (4).

(5)	1980 s. 131(4).
(6)	1980 s. 131(5).
(7)	1980 s. 131(6).
54(1)	1974 s. 32(1); 1975 s. 6; 1975 (S.) s. 12; 1980 Sch. 18 para. 9(a).
(2), (3)	1974 s. 32(3); 1980 Sch. 18 para. 9(c).
(4)	1976 s. 32(5); 1980 Sch. 18 para. 9(e).
(5)	1974 s. 32(3); 1980 s. 133(2), Sch. 18 para. 9(c).
55(1)	1974 s. 33(1); 1980 Sch. 18 para. 10(a).
(2)-(4)	1974 s. 33(3); 1980 Sch. 18 para. 10(c).
(5)	1974 s. 33(4); 1980 Sch. 18 para. 10(d).
(6)	1974 s. 33(5); 1980 Sch. 18 para. 10(e).
56(1)	1974 ss. 32(2), 33(2); 1980 Sch. 18 paras. 9(b)(i), 10(b).
(2)	1974 ss. 32(2)(a), (b), 33(2), (7); 1980 Sch. 18 paras. 9(b)(ii), 10(b).
(3)	1974 s. 32(2)(c); 1980 Sch. 18 para. 9(b)(iii).
57(1)-(3)	1974 ss. 32(6), 33(6); 1980 Sch. 18 paras. 9(f), 10(f).
(4)	1974 s. 15(5).
58(1)	1957 s. 119(1).
(2)	1957 s. 119(3).
(3)	1972 s. 78(1), (2)(a), (4).
59(1)	1966 (S.) s. 152(1), (3); 1973 (c.65) Sch. 12 para. 10.
(2)	1966 (S.) s. 152(2), (3); 1973 (c.65) Sch. 12 para. 10.
(3)	1972 (S.) s. 58(1), (2)(b), (3).
(4)	1966 (S.) ss. 152(2), 198.
60(1)	1974 s. 17(1)(b).
(2)	1974 s. 17(3), (5); 1975 Sch. 5 para. 13; 1975 (S.) Sch. 3 para. 13.
(3)	1974 s. 17(4).
61(1)	1957 s. 122; 1966 (S.) s. 156(1).
(2)	1957 s. 122; 1966 (S.) s. 156(2); R.33.
62(1)	1965 (c.25) s. 93(1).

(2)	1965 (c.25) s. 93(6); 1970 (c.10) Sch. 15 para. 11 Table Pt. II; 1974 s. 17(2), (3).
(3)	1965 (c.25) s. 93(4).
Provision	Derivation
62(4)	1965 (c.25) s. 93(1), (2).
(5)	1965 (c.25) s. 93(2).
(6), (7)	1965 (c.25) s. 93(3).
63(1)	1964 s. 8(1); 1974 Sch. 13 para. 10(2).
(2)	1964 s. 8(2); 1974 Sch. 13 para. 10(2).
(3)	1964 s. 8(10); 1974 Sch. 13 para. 10(2).
(4)	1964 s. 8(3).
(5)	1964 s. 8(4).
(6)	1964 s. 8(3), (10).
64	1964 s. 8(8); 1975 (c.21) s. 298(1); 1977 Sch. 11; 1980 (c.44) s. 32(2); 1982 (c.48) s. 74(1).
65	1964 s. 8(5); 1974 Sch. 13 para. 10(2).
66(1)(a), (b)	1964 s. 8(12).
(c)	1964 s. 107.
(d)	drafting
(2)	1964 s. 107.
67(1)	1958 s. 47(1), (2)(b).
(2)	1958 s. 47(3), (5)(c), (6).
(3)	1958 s. 47(5)(c).
(4)	1958 s. 47(6) proviso (b).
(5)	1958 s. 47(5) (a), (b) proviso.
68(1)	1968 (S.) s. 24(1).
(2)	1968 (S.) s. 24(2), (4)(c), (5).
(3)	1968 (S.) s. 24(4)(c).
(4)	1968 (S.) s. 24(5) proviso (b).
(5), (6)	1968 (S.) s. 24(4)(a), (b) proviso.
69(1)	1972 (S.) ss. 58(2), 59(1); 1972 ss. 78(2), 79(1).
(2)	1972 (S.) ss. 58(5), 59(2); 1972 ss. 78(6), 79(2).
(3)	1972 ss. 78(1), 79(2).

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(4)	1972 (S.) ss. 58(1), (5), 59(2).
70	drafting.
71	drafting.
72	"building society" 1964 s. 8(11); "Chief Registrar" 1964 s. 8(11); "officer" 1964 s. 8(11); "registered charity" drafting see 1974 s. 32(3)(1).
73	drafting.
74(1), (2)	drafting.
75(1)	1974 s. 1(2).
(2)	1974 s. 1(3).
(3)	1974 s. 1(2).
(4)	1964 Sch. 1 para. 5; 1974 Sch. 1 para. 3.
Provision	Derivation
76(1)	1964 s. 1(2); R.34(i).
(2)	1974 s. 9(3).
(3)	1964 s. 1(2).
(4)	1959 (c.53) s. 29; 1959 (c.70) s. 29; 1964 s. 1(4), (9).
77	1964 s. 7; R.35.
78	1964 s. 10(6).
79(1)	1974 s. 9(1).
(2)	1974 s. 9(2).
(3)	1974 s. 9(1), (2), (4).
(4)	1974 s. 9(3).
80(1)-(3)	1974 s. 9(5).
(4)	1974 s. 9(6).
81	1984 s. 24(1).
82	drafting.
83(1), (2)	1974 s. 10(1).
(3), (4)	1974 s. 10(2); 1978 s. 5(1), (2).
84(1)	1980 s. 111(1); 1984 s. 20(1).
(2)	1980 s. 111(3); 1984 s. 20(2).
(3)	1980 s. 111(4); 1984 s. 20(3).
(4)	1980 s. 111(1), (5); 1984 s. 20(4)(a).
(5)	1980 s. 111(5), (6); 1984 s. 20(4)(b).

(6)	1980 s. 111(8); 1984 s. 20(7).
85(1)	drafting.
(2)	1984 s. 20(5); “recognised body”.
(3)	1984 s. 20(6).
(4)	1984 ss. 18(3), (4), 20(5) “relevant advance”.
(5)	1984 s. 18(4) “long lease”.
86	1980 (S.) s. 31.
87(1)-(3)	1980 s. 121(2).
(4)	1980 s. 121(3).
88(1)	1974 ss. 1(2)(d), 3(1), (3).
(2)	1974 s. 3(6).
(3)	1974 s. 3(4); 1981 Sch. 4 para. 1.
(4)	1974 s. 3(2).
(5)	1974 s. 3(5).
89	1974 s. 4.
90(1)	1974 s. 5(2).
(2)	1974 s. 5(3); 1976 (c. 75) Sch. 7 para. 12; 1981 (c. 64) Sch. 12 para. 13(a).
(3)	1974 s. 5(3A); 1980 Sch. 25 para. 24.
(4)	1974 s. 5(4).
(5)	1974 s. 5(5)-(7).
(6)	1974 s. 5(1).
91	1959 (c.53) s. 29(1); 1959 (c.70) s. 29(1); 1964 s. 1(4), (9).
92(1)	1974 s. 7(2).
(2)	1974 s. 7(3).
(3)	1974 s. 7(4); 1975 (c.55) Sch. 4 para. 8.
(4)	1974 s. 7(6).
Provision	Derivation
92(5)	1974 s. 7(8).
(6)	1974 s. 7(7).
93(1)	1974 s. 7(1).
(2)	1974 s. 7(5); 1975 Sch. 5 para. 12; S.I. 1975/374; 1980 s. 120(1); S.I. 1983/664.
(3)	1974 ss. 7(5), 128(1).

(4)	1980 s. 120(2).
(5)	1974 s. 7(9).
94(1)	1974 s. 8(1); 1983 (c.29) s. 4.
(2)	1974 s. 8(2).
(3)	1974 s. 8(3).
(4)	1974 s. 8(4).
(5)	1974 s. 8(5).
(6)	1974 s. 8(2).
95	1980 s. 121(1).
96(1)	1974 s. 10(3).
(2)	1974 s. 10(4).
(3)	1974 s. 10(5).
(4)	1974 s. 10(6).
(5)	1974 s. 10(4), (5), (6).
97(1)	1964 s. 10(1).
(2)	1964 s. 10(2).
(3)	1964 s. 10(3).
(4)	1964 s. 10(4), (5); 1968 (c.13) Sch. 1; 1974 Sch. 13 para. 10(3).
(5)	1964 s. 10(5); 1985 (c.9) Sch. 2.
(6)	1964 s. 10(7).
98(1)	1974 s. 6(1).
(2)	1974 s. 6(3).
99	1974 s. 6(2).
100	1964 s. 11; 1974 Sch. 13 para. 10(4).
101	"building society" 1980 s. 111(7); "financial year" 1964 s. 10(7); 1978 (c.30) Sch. 1; "highway" 1974 s. 12; "subsidiary" 1974 s. 12; 1985 (c.9) Sch. 2.
102	drafting.
103	1972 s. 103; 1975 Sch. 5 para. 7(1); S.I. 1972/1204; S.I. 1975/512; R.29.
104(1)	1963 (c.33) s. 21(1), (2); 1972 (c.70) s. 193(1); 1966 (S.) s. 1; 1973 (c.65) s. 130(3), Sch. 12 para. 6; S.I. 1972/1204; S.I. 1973/886; S.I. 1975/512.
(2)	drafting.

105	1957 s. 104B(4B)(c); 1984 Sch. 6 para. 1(2).
106(1), (2).	"bank" 1957 s. 104B(6), 1978 Sch. para. 7, 1984 Sch. 6 para. 1(5); "building society"*passim*; "dwelling" 1966 (S.) s. 208(1), 1972 s. 104(1), 1974 s. 129(1)(2); "friendly society"*passim*; "hostel" 1974 s. 129(1)(2), 1966 (S.) s. 208(1); "house" 1957 s. 189(1); 1966 (S.) s. 208(1), 1980 s. 130(3); "housing activities" 1980 s. 133(2), Sch. 18 para. 9, 1984 Sch. 6 para. 1(5); "insurance company" 1957 s. 104B(6), 1978 Sch. para. 8, 1984 Sch. 6 para. 1(5); "local authority" 1957 s. 1, 1974 ss. 5, 129, 1980 s. 111, 1980 (c.52) s. 31, 1984 ss. 18(3), 20(5); 1985 (c.51) Sch. 14 para. 64(a), (b); "new town corporation" 1972 (S.) s. 78(1), 1974 s. 5(3)(c)(d), 1981 (c.64) Sch. 12 para. 13(a); "shared ownership lease" drafting; "trustee savings bank" 1957 s. 104B(6), 1978 Sch. para. 6, 1984 Sch. para. 1(5); "urban development corporation" 1984 s. 18(3).
Provision	Derivation
107	drafting.
Schedules	
Sch. 1	
para. 1	1974 Sch. 2 para. 1.
para. 2	1974 Sch. 2 para. 2.
para. 3	1974 Sch. 2 para. 3.
Sch. 2	1980 s. 122(4), (5), (6).
para. 1(1)	1957 s. 104B(1); 1980 s. 92.
(2)	1957 s. 104B(2), (3); 1980 s. 92; 1984 Sch. 6 para. 1(1).
para. 2(1)	1957 s. 104B(5); 1980 s. 92; 1984 Sch. 6 para. 1(3).
(2)	1957 s. 104B(5A); 1984 Sch. 6 para. 1(4).
(3)	1957 s. 104B(7); 1980 s. 92.
(4)	1957 s. 104B(6); 1978 Sch. paras. 6-9; 1984 Sch. 6 para. 1(5).

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para. 3(1)	1957 s. 104C(1), (9); 1980 s. 92; 1984 Sch. 6 para. 2(1), (5).
(2)	1957 s. 104C(2); 1980 s. 92; 1984 Sch. 6 para. 2(2).
(3)	1957 s. 104C(3); 1980 s. 92.
(4)	1957 s. 104C(5); 1980 s. 92.
(5)	1957 s. 104C(6); 1980 s. 92.
(6)	1957 s. 104C(8); 1980 s. 92.
para. 4	1957 s. 104B(4), 104C(7A); 1984 Sch. 6 para. 1(2), 2(4).
para. 5(1)	1957 s. 104B(4A); 1984 Sch. 6 para. 1(2).
(2)	1957 s. 104B(4B), (8); 1984 Sch. 6 para. 1(2).
para. 6	1957 s. 104B(4A)(d); 1984 Sch. 6 para. 1(2); drafting.
para. 7	1957 ss. 104B(4C), 104C(7); 1984 Sch. 6 paras. 1(2), 2(4).
para. 8(1)	1957 ss. 104B(9), 104C(10); 1980 s. 92; 1984 Sch. 6 para. 1(6), 2(6).
(2)	1957 s. 104C(10); 1980 s. 92.
Sch. 3	
para. 1(1), (2)	1980 Sch. 16 Part I para. 1(1), (2).
para. 2(1), (2)	1980 Sch. 16 Part I para. 2(1), (2).
para. 3(1)-(4)	1980 Sch. 16 Part I para. 3(1)-(4).
para. 4(1), (2)	1980 Sch. 16 Part I para. 4(1), (2).
para. 5	1980 Sch. 16 Part I para. 5(1), (2).
para. 6	1980 Sch. 16 Part I para. 5(3), (4).
para. 7	1980 Sch. 16 Part I para. 6.
Sch. 4	
Pt. I	
para. 1	1972 s. 78(2), (3), (5).
para. 2	1974 Sch. 13 para. 5.
Pt.II	
para. 1	1972 Sch. 7 Pt. III; 1972 (S.) Sch. 1 Pts. IV, VI.
para. 2	1972 s. 79(1); 1972 (S.) s. 59(1).
Pt.III	1972 (S.) s. 58(2)(a), (g), (4).

Sch. 5	
Pt. I	
para. 1	1972 s. 72(1)-(7), (9).
para. 2	1972 s. 73(1)-(7).
para. 3	1972 s. 104(1) “housing association”.
para. 4	1972 ss. 74(1), (5), 104(4).
para. 5	1972 ss. 15(1), (2), (5), 71(4).
para. 6	1972 s. 74(2)-(4).
para. 7	drafting.
Pt.II	
para. 1	1972 (S.) s. 52(1)-(6), 8.
para. 2	1972 (S.) s. 53(1)-(3), (8), (9).
para. 3	1972 (S.) s. 78(1) “housing association”.
para. 4	1972 (S.) ss. 54(1), 68(1).
para. 5	1972 (S.) ss. 13, 51(4).
Provision	Derivation
Sch. 5	
Pt. II*cont*.	
para. 6	1972 (S.) s. 54(2)-(4).
para. 7	drafting.
Pt.III	
para. 1(1)	1969 Sch. 9 para. 1; 1974 Sch. 14 para. 6.
(2)	1958 s. 28; 1967 Sch. 3 para. 6; 1969 Sch. 8 para. 17.
(3)	1958 s. 12(1); 1967 s. 12(6); 1969 s. 21(8); Sch. 9 para. 1; 1974 Sch. 14 para. 6.
para. 2	1958 s. 12(2); 1969 Sch. 9 para. 1.
para. 3(1)	1968 (S.) s. 17(3); 1974 Sch. 14 para. 6.
(2)	1968 (S.) s. 57(1).
(3)	1968 (S.) s. 17(2); 1974 Sch. 14 para. 6.
para. 4(1)	1968 (S.) s. 58(1).
(2)	1968 (S.) s. 58(3).
(3)	1968 (S.) s. 58(2).
Pt.IV	

para. 1(1)	1968 (S.) s. 16(2); 1974 Sch. 14 para. 6.
(2)	1968 (S.) s. 58(1).
(3)	1968 (S.) s. 58(3).
Pt. V	
para. 1	1972 s. 78(2)(d), (5).
para. 2	1972 (S.) s. 58(2)(f), (4).
Pt.VI	
para. 1(1)	1974 s. 35(1).
(2)-(4)	1972 ss. 15(1), (2), (5), 71(4); 1972 (S.) ss. 13(1)-(3), 51(4).
para. 2(1)	1972 (S.) ss. 56(2), 57(4); 1972 s. 76(2).
(2)	1972 (S.) ss. 56(3), 57(4); 1972 s. 76(3).
(3)	1972 (S.) ss. 56(4), 57(4); 1972 s. 76(4).
para. 3(1)-(3)	1972 (S.) s. 55(12); 1972 s. 75(12); 1974 Sch. 13 paras. 23(4), 32.
(4)	1972 (S.) s. 57(4); 1972 s. 74(5).
para. 4	1974 s. 35(2).
Pt.VII	
para. 1(1)	1974 s. 35(1).
(2)	1974 s. 35(4).
(3)	1974 s. 35(5).
Sch. 6	
para. 1(1)	1964 Sch. 1 para. 1.
(2)	1964 Sch. 1 para. 6; 1974 Sch. 1 para. 4.
(3)	1964 s. 1(3).
para. 2(1)	1964 Sch. 1 para. 2(1); 1974 Sch. 1 para. 1.
(2)	1964 Sch. 1 para. 2A(1); 1974 Sch. 1 para. 2.
para. 3(1)	1964 Sch. 1 para. 2(2).
(2)	1964 Sch. 1 para. 2(4).
(3)	1964 Sch. 1 para. 2(5).
(4)	1964 Sch. 1 para. 2A(1); 1974 Sch. 1 para. 2.

para. 4(1)	1964 Sch. 1 para. 2(1), (2).
(2)	1964 Sch. 1 para. 2(4).
(3)	1964 Sch. 1 para. 2(3).
para. 5(1), (2)	1964 Sch. 1 para. 2(7).
para. 6(1), (2)	1964 Sch. 1 para. 2(8).
(3), (4)	1964 Sch. 1 para. 2(9); 1972 (c.11) Sch. 6 para. 47.
para. 7(1)	1964 Sch. 1 para. 3(1).
(2)	1964 Sch. 1 para. 3(2).
para. 8(1)	1964 Sch. 1 para. 2A(2); 1974 Sch. 1 para. 2.
(2)	1964 Sch. 1 para. 2A(3); 1974 Sch. 1 para. 2.
(3)	1964 Sch. 1 para. 2A(4); 1974 Sch. 1 para. 2.
para. 9(1)	1964 Sch. 1 para. 4(1); 1980 Sch. 25 para. 13.
(2)	1964 Sch. 1 para. 4(2).
Sch. 7	
para. 1	R.36.
para. 2(1)	1964 s. 2(3); 1972 s. 77(2); 1974 Sch. 14 para. 1; R.36.
(2)	1964 s. 2(3).
para. 3	1964 s. 5(3); R.36.
Provision	Derivation
Sch. 7*cont*.	
para. 4	1964 s. 2(4); R.36.
para. 5(1), (2)	1964 s. 5(1); R.36.
(3), (4)	1964 s. 5(2); R.36.
(5)	1964 s. 5(4).

Textual Amendments

F326 Words in Sch. 7 para. 5(1) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 57(7)(a)** (with art. 6, Sch. 3)

F327 Sch. 7 para. 5(1A) repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 57(7)(b), **Sch. 4** (with art. 6, Sch. 3)

F328 Words in Sch. 7 para. 5(2) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 57(7)(c)** (with art. 6, Sch. 3)

F329 Words in Sch. 7 para. 5(3) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 57(7)(d)** (with art. 6, Sch. 3)

F330 Words in Sch. 7 para. 5(4) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 57(7)(d)** (with art. 6, Sch. 3)

F331 Words in Sch. 7 para. 5(5) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 57(7)(d)** (with art. 6, Sch. 3)

F332 Sch. 7 para. 5(6) repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 57(7)(e), **Sch. 4** (with art. 6, Sch. 3)

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